

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9093 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- MAHILA P.S. District- Araria

Md. Sarfaraz, Son of Md. Darban R/O Village- Laliya, Ward No.-09, P.S.-
Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 14-03-2023 Heard Mr. Anil Prasad Singh, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Araria (Mahila) P.S. Case No. 106 of 2021 registered under
Sections 498(A), 341, 323 and 379/334 of the Indian Penal
Code.

3. Prosecution story, in brief, is that on 25.08.2021
before the S.H.O. Mahila P.S., the informant who is the wife of
the petitioner filed complaint alleging that she was subjected to
torture by her in-laws including the petitioner for non-
fulfillment of demand of dowry of Rs. 2 lacs from the last two
years. It is further alleged that the petitioner also intended to kill
her and her all belongings including ornaments were snatched.



She has also alleged that she was admitted in hospital for treatment and from there she went to her parental home. Panchayati was held but the petitioner refused to keep her for non-fulfillment of demand of dowry.

4. This case was heard on 05.09.2022 and the case was referred to Patna High Court Mediation and Reconciliation Centre for mediation by this Court fixing the date of appearance of the parties on 13.09.2022. In the meantime, Mediation Report has been submitted by the Mediator who has informed this Court that the matrimonial dispute between the parties has been resolved during the process of mediation. The terms of settlement mutually agreed upon by them is enclosed with the letter.

5. Considering the development which has taken place, this Court had found it proper to call upon the informant and the petitioner to be physically present before this Court fixing the date of appearance on 27.02.2023.

6. The case has been taken up today in presence of the parties who are husband and wife. It has been informed by the informant Farhana, daughter of Md. Hasib, the legally wedded wife of the petitioner that after mediation, the petitioner is abiding by the terms and conditions of the agreement entered



between them on 24.11.2022 in presence of the Mediator of this Court.

7. Considering the development which has taken place, this Court finds that the parties have now reconciled and the informant without any influence on her own is residing with her three children along with petitioner without any complaint.

8. However, considering the well being of the complainant and her three children, it would be in the interest of justice that the petitioner be granted provisional bail for a period of one year on such terms and conditions as fixed by the Court below.

9. The petitioner is directed to be released on pre-arrest bail **provisionally** for a period of one year, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Araria in connection with Araria (Mahila) P.S. Case No. 106 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The Court below is directed to confirm the provisional pre-arrest bail granted to the petitioner, if during such period either party makes no complaint and to that effect



they may further file a joint petition that they are leading a
happy married life.

(Purnendu Singh, J)

Mantreshwar
Aditya/-

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