

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16907 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- MAHILA PS District- Darbhanga

Arbaz Asfar Khan S/o Asfar Raza Khan R/o Village- Mohammadpur, P.S.-
Kamtaul, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabiha Noorani W/o Arbaz Khan, D/o Sayeed Anwar Khan R/o - Professor Colony, Mohalla- Belwana Motihari, P.S.- Mufassil, Distt- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahtab Alam, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No.- 81 of 2021, registered for offences under Sections 498(A), 313, 323, 506/34 of the IPC and Section 3/4 of Dowry Prohibition Act.

The case of the prosecution, in brief, is that the marriage of the petitioner is stated to have been solemnized with the informant on 07.11.2017 as per Muslim rites and customs, during the course whereof, huge sums of



money/dowry was given and the informant had gone to her matrimonial home, however, subsequently, the accused persons including the petitioner herein started demanding dowry and on account of non-fulfillment of the same, the informant was tortured and ousted from her matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the matter has already been amicably settled in between the husband and his wife and in lieu thereof the petitioner has already paid the agreed amount to his wife.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the specific contention of the learned counsel for the petitioner



to the effect that the matter has already been compromised in between the petitioner and his wife, whereafter, the petitioner has also paid the agreed amount to the informant, though I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to verification of the aforesaid fact regarding compromise having taken place in between the parties, by the learned Trial Court and further subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Judicial Magistrate, 1st Class, Darbhanga in connection with Mahila P.S. Case No.81 of 2021.

It is needless to state that for a period of six weeks from today, no coercive steps shall be taken against the petitioner.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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