

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13117 of 2022

Arising Out of PS. Case No.-176 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

ARIF KHAN Son of Alim Khan Resident of Village - Yadunandan Nagar,
Near Mahamaya Devaki Sunni Masjid, Quarter No. 35, Bilaspur, Police
Station -Sirgiti, District - Bilaspur (Chhattisgarh).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shagufta Khatun Wife of Arif Khan, D/o Gyashuddin Khan Resident of
Yadunandan Nagar, Near Mahamaya, Devaki Sunni Masjid, Quater No. 35,
Bilaspur, P.S. - Sirgiti, District - Bilaspur (Chhattisgarh), At present resident
of Village - Biur, Police Station - Chainpur, District - Kaimur (Bhabhua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha, Advocate
For the Informant	:	Mr. Rajesh Kumar Pathak, Advocate
For the State	:	Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

14 04-10-2023 Heard Mr. Chandra Mohan Jha, learned counsel for the

petitioner, Mr. Rajesh Kumar Pathak, learned counsel appearing

on behalf of the Informant and Mrs. Shaheen Begum, learned APP

for the State.

2. The petitioner is apprehending his arrest
connection with Chainpur P.S. Case No. 176 of 2019, F.I.R. dated
13.05.2019 registered for the offences punishable under Sections
498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

3. Petitioner is the husband of the informant.
Allegation is of demand of dowry and torture for the same.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Vide order dated 12.12.2022 the matter was referred to the Mediation and Conciliation Centre of the Patna High Court for settlement of the dispute between the parties. The report dated 23.03.2023 of the learned Mediator reveals that mediation could not succeed and mediation has become failed.

6. Learned counsel for the petitioner outrightly submits that he is ready to permanent settle the dispute between the parties and he is ready to pay Rs. 7,00,000/- to the informant as a one time settlement.

7. Learned counsel for the Informant on instruction submits that the informant is not ready to accept the offer made by the petitioner.

8. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bhabhua, Kaimur in connection



with Chainpur P.S. Case No. 176 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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