

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40045 of 2023

Arising Out of PS. Case No.-1406 Year-2021 Thana- COMPLAINT CASE District- Araria

MD. WASIM @ WASIM son of Md. Yasin, Resident of Village- Jhamta Ward
No-10, P.S- Tarabari District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Husne Ara wife of Md. Wasim, D/o- Late Ali Hussain Village- Jhamta ward
no-10, Ps- Tarabari Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Sunil Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Brajendra Nath Pandey, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1406(C) of 2021 registered for the
offence punishable under Sections 498(A), 323 and 504/34 of
the Indian Penal Code.

3. Prosecution story, in brief, is that due to strained
relationship, demand of dowry and torture, the complaint was
filed by the opposite party no.2 against the petitioner who is the
husband of the complainant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the complainant has agreed to resolve
the dispute if the petitioner pays her Rs.3,21,000/-. The said



amount was agreed by the petitioner in the Panchayati held for the said purpose. The complainant has agreed to the same and she has also put her signature on the agreement entered into between the petitioner and her before the Panches. The Panchnama has been annexed as Annexure-2 to the bail application and the same bears thumb impression of the complainant who is the wife of the petitioner. Learned counsel further submits that petitioner has already given Rs.1,60,000/- and other articles at the time of Panchayati and as per the instruction received, learned counsel submits that the petitioner has agreed to return the remaining amount within a period of three weeks and also ready to file an affidavit along with the acknowledgment of the receipt made by the complainant.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the complaint as well as the fact that the parties have already agreed to resolve their dispute, the petitioner having not given the remaining amount, the complainant has resorted to implicate the petitioner in the present case. This Court don't find proper to issue notice to the opposite party no.2 considering the fact that specific statement has been made on behalf of the petitioner that petitioner is ready to return the remaining amount as per the



agreed terms before the Punch within a period of four weeks. Petitioner is granted interim protection and court below is directed to not take any coercive steps for four weeks. In case the petitioner files affidavit along with the acknowledgment of receipt of money by the complainant, petitioner is directed to be released on pre-arrest bail, 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 Judicial Magistrate 1st Class, Araria in connection with Complaint Case No. 1406(C)/2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. In case the complainant refuses to accept the money, the petitioner, if so advised, may deposit the same in any interest bearing account after due permission of the court. The parties may avail appropriate remedy in accordance with law with respect to other relief sought for.

8. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

