

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54563 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- MAHILA P.S. District- Madhubani

SARFE ALAM @ MD. SHARFE ALAM S/o Md. Jafir Ansari @ Jafir Alam
@ Md. Jafir Alam Resident of Chamma Tol, Benipatti, District- Madhubani

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shabnam Khatoon, female, wife of Sarfe Alam, R/o village Chamma Tol
Benipatti P.S. District Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abu Nasar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the O.P. no. 2	:	Mr.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Benipatti (Mahila) P.S. Case no. 3 of 2022 registered under sections 498A, 323, 341, and 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the informant was married to the petitioner as per Muslim custom about five years back. It is stated that the accused persons including the petitioner herein started making demand of a car as also Rs. 2 lacs in cash and on non-fulfillment of the same, the informant was assaulted. A panchayati also took place. It is further stated



that on 1.1.2021 the accused persons assaulted and forced her out of the house and kept her clothes and ornaments. She is staying along with her mother

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on account of his being the husband of the informant. No such occurrence as alleged in the FIR has taken place. He was always ready and willing to keep the informant as also the child born out of the wedlock with full honour and dignity and as such the matter was referred to the mediation centre where the petitioner as also the informant arrived at a compromise and signed the same on 1.8.2023 which would be evident from the report of the mediation centre.

5. The application for the bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR especially the report of mediation centre from which it transpires that the petitioner as also the informant arrived at a compromise and signed the same on 1.8.2023, in the event of his arrest or surrender within four weeks, the petitioner is directed to be enlarged on bail in connection Benipatti (Mahila)



P.S. Case no. 3 of 2022 on furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned S.D.J.M, Madhubani.

(Partha Sarthy, J)

Prakash/-

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