

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29452 of 2024

Arising Out of PS. Case No.-1667 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Ehshan Son of Late Khurshid Alam @ Md. Khurshid Alam Resident of
Village - Madudabad, P.S. - Mohiuddinnagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatoon Wife of Md. Ehshan, Daughter of Md. Nijam Resident of
Village - Fulwariganj, P.S. - Fulwaria, District - Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 20-03-2025 In pursuance to the earlier order dated 14.02.2025,

both the parties appeared in Chambers with their respective

counsel.

2. Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with C. R. Case No. 1667 of 2022 for the offence

under Sections 323, 498A, of the Indian Penal Code.

4. It is a case of matrimonial dispute between the

parties. Petitioner is the husband of opposite party no. 2



(complainant). Allegation against the petitioner and his family members is of torturing, assaulting and ousting the informant from her matrimonial house due to non-fulfillment of dowry demand.

5. Learned counsel for the petitioner submits that petitioner is quite innocent, committed no offence and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner for dowry demand and torture. Petitioner has never demanded any dowry from the complainant and for that never tortured her. He further submitted that the complainant herself left her matrimonial house and is not ready to live and lead her conjugal life with the petitioner. Lastly he prayed to enlarge the petitioner on anticipatory bail.

6. Learned APP opposes the prayer of anticipatory bail.

7. During course of argument learned counsel for both the parties has submitted that earlier this case was referred to Mediation Centre, Patna High Court, where the matter was amicably settled on the point of one time settlement of Rs. 3,00,000/- (three lakhs) to be given by petitioner in favour of his wife and Rs. 50,000/- for her articles and ornaments, i.e. total 3,50,000/- (three lakhs fifty thousand). Learned counsel for both



the parties are agreed on the terms and conditions of Ld. Mediator.

8. Petitioner is directed to file an undertaking at the time of filing bail bond regarding payment of above amount.

9. Keeping in view the aforesaid facts and considering the agreement between the parties, let the petitioner be enlarged on anticipatory bail **provisionally** in the event of arrest or surrender within a period of four weeks from the receipt/production of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Samastipur in connection with C. R. Case No. 1667 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. Trial Court is directed to confirm the provisional bail granted to the petitioner after verifying the deposit receipts of payment of the entire amount i.e. Rs. 3,50,000/- (three lakh fifty thousand) by the petitioner to the opposite party

(S. B. Pd. Singh, J)

prabhakar/-

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