
(2021) 10 PAT CK 0017

In the Patna High Court

Case No : Criminal Miscellaneous No .12183 Of 2021

Farhan Wasi Alam @ Farhan Wasi Ahmad

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 05-10-2021

Acts Referred:

Indian Penal Code, 1860 — Section 498A

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 10 PAT CK 0017

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Md. Mushtaque Alam, Uday Chand Prasad, Pramod Kumar

Final Decision : Disposed Of

Judgement

1. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner, which was allowed.
2. Heard Mr. Md. Mushtaque Alam, learned counsel for the petitioner; Mr. Uday Chand Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Pramod Kumar, learned counsel for the informant.
3. The petitioner apprehends arrest in connection with Kotwali PS Case No. 428 of 2018 dated 12.10.2018, instituted under Sections 498-A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.
4. The allegation against the petitioner in the case filed by the informant-opposite party no. 2, who is his wife, is that she was married to the petitioner on 08.04.2018 and soon thereafter there was demand of Rs.5,00,000/- for purchase of vehicle and she was subjected to mental and physical torture by the petitioner and his relatives and she was driven out of the matrimonial home after keeping all her belongings.
5. Learned counsel for the petitioner submitted that the parties have now

compromised and in terms thereof, all the articles belongings to the informant have been returned and the petitioner is required to give Rs.11,00,000/- to the informant. However, it was submitted that the same is not being given as the petitioner wanted it through the Court. It was submitted that if the Court grants indulgence of anticipatory bail to him, at the time of furnishing bail bonds after appearing before the Court, he would give a Demand Draft in favour of the opposite party no. 2 through the Court and she may take it. Learned counsel submitted that he would also bring on record the compromise between the parties when he appears before the Court at the time of furnishing his bail bonds and the opposite party no. 2 be also directed to sign on the compromise which shall be filed jointly by the parties before the Court below.

6. Learned counsel for the opposite party no. 2 agrees to the proposal. Upon a query of the Court as to when both the parties shall appear before the Court below, the common date suggested by learned counsel for the parties was 23rd October, 2021.

7. Learned APP submitted that as the parties have compromised the matter and the issue is matrimonial dispute, the Court may take a lenient view.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in Gaya Kotwali PS Case No. 482 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, who may not necessarily be a local person and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds. Further, the petitioner and the opposite party no. 2 shall appear before the court below on 23rd October, 2021, when the petitioner shall deposit the Demand Draft of Rs.11,00,000/- in the name of the opposite party no.2. The opposite party no. 2 shall sign on the compromise and jointly the same shall be submitted before the Court. Upon doing so, the bail bonds of the petitioner shall be accepted and he shall be released on bail in terms of the order.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. In view of the fact that the parties have compromised and the opposite party no. 2 has agreed to withdraw the case and not pursue the same, it is observed that the parties shall be strictly bound by the terms of the compromise and the Court would ensure the same while passing final order.

11. The petition stands disposed of in the aforementioned terms.