

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6908 of 2016

Arising Out of PS.Case No. -681 Year- 2014 Thana -SARAN COMPLAINT CASE District- SARAN

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1. Shekh Noore Tajudin S/o Md. Akhtar Imam Resident of Mohalla - Dahiyawan, Mobarak Lane, P.S. Chapra Town, District - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar
2. Rizwana Khatoon W/o Shekh Noore Tajudin, D/o Md. Masum Ali resident of village - Basahi Mir Daha Patti, P.S. Janta Bazar, District - Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh
For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 08-11-2016 The petitioner being husband of the complainant is apprehending his arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand.

It is submitted by learned counsel for the petitioner that petitioner admits his marriage with the complainant having no issue.

On the joint prayer of the parties, the matter was referred to the Mediation & Conciliation Centre of the



Bihar State Legal Services Authority vide order dated 01.08.2016. The report of the Mediator at Flag-G dated 27.10.2016 reflects that the issue has been resolved through the process of mediation as both sides agree to part ways on payment of permanent alimony of Rs. 4,85,000/- by the petitioner to the complainant. For payment of permanent alimony post dated cheques have been handed over to the complainant. The petitioner further undertakes to return all the articles to the complainant given during marriage. The complainant agrees to withdraw Complaint Case No. 681 of 2014 and Maintenance Case No. 43 of 2014 one week after the cheques issued by the petitioner for payment of permanent alimony being encashed. Though the terms of memorandum of agreement does not stipulate that both sides also agree to get the marriage dissolved by filing appropriate matrimonial suit but it is jointly submitted by counsels for the parties that both sides agree to file appropriate matrimonial suit for the dissolution of marriage within a period of four weeks.

Learned counsel for the complainant Mr. Jitendra Kumar submits that in view of the fact that the issue has been resolved during mediation, the complainant is not opposing the prayer for bail of the petitioner.

In the circumstance, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on

anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 681 of 2014, Sessions Trial No. 2712 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the order of this Court along with the report of the Mediator including the memorandum of agreement be transmitted to the learned Court below.

(Dinesh Kumar Singh, J)

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