

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14915 of 2016

Arising Out of PS.Case No. -1446 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Md. Wasim Akhatar, S/o Md. Shayedur Rahman, Resident of Village –
Hatgachhi, P.S. – Jokihat, District – Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nousina Begam, W/o Md. Wasim Akhatar, D/o Md. Mahboob
Alam, Resident of Village – Shyampur, P.S. – Palasi, District – Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

09/ 17-03-2017

Heard learned counsels for the petitioner,
complainant-opposite party no. 2 and Mr. J.N. Thakur, learned
counsel for the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Section 498A of the Indian Penal Code.

The basic accusation is of torture.

The petitioner and the complainant are present
in the Court.

It is submitted by learned counsel for the



petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant with dignity and honour. Statement to that effect has been made in paragraph 7 of the petition which reads as follows:-

“That the petitioner is a husband of the complainant and he is ready to keep her with full dignity and managed the conjugal life peaceful on the basis of mutual understanding.”

On the joint prayer of the parties vide order dated 17.05.2016 the matter was referred to the Mediation and Conciliation Centre of State Legal Services Authority. The report of the Mediator at Flag ‘A’ dated 08.08.2016 reflects that the issue could not be reconciled through the process of mediation.

However, a joint affidavit has been filed on behalf of the petitioner and the complainant wherein it is stated that the complainant-opposite party no. 2 is ready to reside with the petitioner in spite of the fact that the petitioner has performed second marriage and ready to settle the dispute. It is further submitted that in Maintenance Case No. 292 of 2015 vide order dated 1st October, 2016 the petitioner was directed to make payment of Rs.2,000/- per month to the complainant.

Counsel for the complainant submits that the



said amount has not been paid till date.

This Court is not inclined to modify the said order. The petitioner has to make payment the said amount till the same is modified by the concerned court.

It is further submitted by learned counsel for the petitioner that the petitioner has transferred 15 decimals of land as desired by the complainant for her future security.

Counsel for the complainant does not controvert the contention of the learned counsel for the petitioner and the filing of the joint compromise petition.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve 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 Sub-divisional Judicial Magistrate, Araria in connection with Complaint Case No. 1446(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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