

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27783 of 2016

Arising Out of PS.Case No. -1211 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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Jaffir Alam @ Md. Jafir Alam, son of Manzoor Alam, resident of village-
Bajuchak, Police Station –Narhat, District –Nawada.

.... Petitioner/s

Versus

1. State of Bihar
2. Shahin Pravin, wife of Md. Jafir Alam, D/o Md. Mansoor Alam, R/o
village – Kamalpur, Ansar Nagar, P.S. – Bundelkhand, Dist :-Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 19-01-2017 Heard learned counsel for the petitioner, complainant
and the State.

The petitioner being the husband of the complainant is
apprehending 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.

Basic accusation is of torture.

The petitioner and the complainant are present.

It is submitted by learned senior counsel for the
petitioner that the petitioner admits his marriage with the
complainant.

This Court vide order dated 05.07.2016, on joint prayer
of the parties, referred the matter to the Mediation and



reconciliation Centre of Bihar State Legal Services Authority, but the report of the Mediator dated 01.09.2016, Kept at "Flag-x" reflects that the issue could not be resolved through the process of mediation.

Learned senior counsel for the petitioner further submits that the issue could not be resolved in terms of one time settlement amount as there was dispute with regard to quantum of payment. However, the petitioner is making payment of Rs.2700/- per month to the complainant and now he is ready to make payment of Rs. 5500/- per month to the complainant from February, 2017 by depositing the same in the bank account of the complainant by second week of every succeeding month.

The counsel for the complainant submits that the complainant is still ready to resume the conjugal life and she is not denying that she is receiving Rs.2000/- per month from the petitioner. However, she is ready to accept the offer of the petitioner and undertakes to submit bank account number on affidavit before the learned court below within a period of three weeks.

Considering the present stand of the parties, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within



a period of 12 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 the learned ACJM-IV, Nawada, in connection with Complaint Case No.1211/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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