

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7909 of 2017

Arising Out of PS.Case No. -4106 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Quaiyum, son of Md. Sohrab, resident of Naya Bhargama, Police
Station - Naya Bhargama, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nazo Khatoon, wife of Md. Quaiyum and Daughter of Md.
Jalaluddin Resident of Banmankhi, Bishanpurdut, Police Station -
Banmankhi, District - Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal, APP
Mr. Amit Kumar Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8/ 27-07-2017

Heard learned counsel for the Petitioner and the
State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.4106 of 2014 instituted for the offence under Section(s)
498-A Indian Penal Code.

Both husband and wife are present today in
Chambers.

The husband-petitioner in terms of the amicable
settlement between the parties has produced Bank Draft of rupees
one lac bearing No.505007 dated 25.07.2017 drawn on Punjab
National Bank in favour of the Opposite Party No.2 as full and
final settlement, which has been handed over to the Opposite



Party No.2, who has signed in the margin of the order-sheet in token of receipt of the same duly identified by her counsel.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.4106 of 2014, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Both the parties will, now, take appropriate steps in the Court below for final disposal of the case(s) pending between them in terms of the compromise arrived at between the parties.



In view of the compromise arrived at between the parties, now both the parties will live separate from each other and the wife-Opposite Party No.2 will withdraw all the pending criminal/civil case(s) filed by her against the husband and the petitioner will also withdraw the case, if any, filed by him against the wife.

It has been submitted that two children are with the petitioner-husband and one child is with the wife-Opposite Party No.2. Both parties are at liberty to take appropriate steps in accordance with law for custody of the child.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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