

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46211 of 2016

Arising Out of PS.Case No. -24 Year- 2016 Thana -BANIAPUR District- SARAN

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Mustaque Alam, Son of Kuranuddin Miyan, Resident of Village-Kanhaul
Mahohar Miskari, P.S.-Baniapur, District-Saran.

.... Petitioner

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-08-2017 Heard learned counsels for the petitioner and the State.

However, none appears on behalf of opposite party no.2.

The petitioner, being the husband of the informant, is apprehending arrest in a case, registered for the offences punishable under Sections 498A, 379, 384, 504 and 307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case got initiated by filing of a Complaint Case No. 1872 of 2015, which, ultimately, got registered as Baniapur P.S. Case No. 24 of 2016, after being transferred under Section 156(3) of the Cr. P.C. The prosecution case is that the petitioner was married with opposite party no.2 on 13.06.2013, thereafter, torture was inflicted and after snatching her belongings, she was driven out from the matrimonial house.

It is submitted by learned counsel for the petitioner that



in pursuance to notices issued to opposite party no.2 and the matter being referred to the Mediation and Conciliation Centre of the Patna High Court, vide order dated 17.04.2017, the issue has been reconciled and at present, the informant is residing with the petitioner. The report of the mediator dated 16.08.2017, kept at flag-‘C’, reflects that the issue has been reconciled and both sides agree to resume the conjugal life on following terms and agreement:-

- “1. That the petitioner will keep her wife with full dignity, love affection, security and safety.
2. That the petitioner is agreed upon to live in his house separately with wife (opposite party no.2)
3. That the opposite party no.2 will live with her husband with all the respect.
4. That the petitioner is agreed upon to maintain all the expenses of her wife.
5. That both the parties agreed upon to when the petitioner will go out side of his village then the opposite party no.2 will go with her maike.
6. That opposite party will withdrawn the case bearing Banipur P.S. Case No. 24 of 2016 pending before the Court below, within four weeks.
7. That the opposite party no.2 will go on 14.08.2017 at her home.”

In the circumstances, 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 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 Judicial Magistrate, Saran at Chapra in connection with Baniapur P.S. Case No. 24 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The informant/opposite party no.2 will be at liberty to file appropriate application for cancellation of bail of the petitioner if the petitioner violates the terms and agreement of the mediation.

(Dinesh Kumar Singh, J)

Amrendra/-

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