

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49890 of 2016

Arising Out of PS.Case No. -1079 Year- 2013 Thana -COMPLAINT CASE District- KISANGANJ

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Md. Mazharul Haque Son of late Md. Yasin Resident of Village-
Teliyapokhar (Panjipara), Police Station- Gwalpokhar, in the district of
Uttar Dinajpur (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar
2. Nishat Praveen @Beli W/o Md. Mazharul Haque, D/o Md. Salauddin
Resident of Village- Teliyapokhar (Panjipara), Police Station- Gwalpokhar,
in the district of Uttar Dinajpur (West Bengal).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

8 06-12-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No.C 1079 of 2013 registered under Section
498(A)/34 of the I.P.C. and Section 3 / 4 of Dowry Prohibition
Act.

It appears that vide order dated 09.01.2017 this matter
was referred to the Mediation Centre for arriving at an amicable
settlement. From the Mediation Report kept at Flag – ‘A’, it
appears that the opposite party no.2 had agreed to resolve their
matrimonial relation in accordance with their religion and custom



to which petitioner was ready to cooperate. However, on the request of the opposite party no.2 the matter was again sent to the Mediation Centre for formulating the terms and conditions of settlement. Thereafter final Mediation Report, kept at Flag- M has been received in this Court, in which it has been mentioned that in spite of notices opposite party no.2 did not appear before the Mediator on any of the dates fixed, and therefore, the terms and conditions of settlement could not be drawn.

Learned counsel appearing on behalf of the petitioner submits that petitioner is still ready to keep the opposite party no.2 with full honour and dignity, however it is she who is not desirous of living with this petitioner. Petitioner appeared on each and every date fixed in the mediation, but the opposite party no.2 did not appear on any of the dates, and as such, the terms and conditions of settlement could not be drawn. Moreover, the allegations leveled in the complaint petition are general and omnibus against all the family members including this petitioner. Petitioner is a man of clean antecedent.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond



of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the S.D.J.M., Kishanganj, in Complaint Case No. C 1079 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Arvind Srivastava, J)

AnilKrSinha/-

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