

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74322 of 2018

Arising Out of PS. Case No.-698 Year-2017 Thana- COMPLAINT CASE District- Araria

Md. Mojib, Son of Md. Sainul, Resident of Village- Dipoul Jogbani, P.S. Jogbani, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Najda Khatoon, D/o Md. Yakub, Wife of Md. Mojib, Resident of Village- Dumariya, P.S. Narpatganj, District Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Nand Kishore Pd, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and the State as well as opposite party no.2.

The petitioner apprehends his arrest in connection with Complaint Case No. 698C of 2017 for the offence under Section 498A of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has been made accused in the instant case on the complaint made by the opposite party no.2. He submits that the petitioner is ready to keep the opposite party no.2 as wife with full dignity and honour.

Counsel for the opposite party no.2 submits that although he has received instruction that the petitioner has joined the second marriage, however, in order to settle the



dispute he also agrees that the matter may be referred to the Mediation Centre.

Considering the aforesaid, the matter is referred to the District & Sessions Judge, Araria to place the case of the petitioner before the District Mediation Centre and the District Mediation Centre is required to take steps for resolving the dispute between the parties and facilitate the parties to have free say in the matter in the mediation.

Under the aforesaid circumstance, the petitioner named above, in the event of arrest or surrender before the court below within one month from today, is directed to be released on provisional bail for a period of three months from today on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 698C of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The Mediation Centre is expected to submit the report within the aforesaid period and on consideration of the aforesaid, the court below will consider the desirability of making the provisional bail absolute provided that the report of



Mediation Centre is on the line that the parties are willing to settle their dispute.

In case of failure of mediation, the court below will grant bail with the condition that unless relationship of husband and wife is terminated in accordance with law, the petitioner would be under obligation to maintain his wife and provide monthly alimony to the wife. The issue of future maintenance of the wife will abide by the final adjudication of the divorce.

(Anil Kumar Upadhyay, J)

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