

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37514 of 2018

Arising Out of PS. Case No.-320 Year-2017 Thana- DUMRAO District- Buxar

Yasin Quraishi, Son of Late Jabbar Quraishi, Resident of Naya Bhojpur,
Police Station Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Naznin Salma, Wife of Yasin Quraishi, Resident of D.A. Colony, J-9
Nadeshwar, P.S.- Varanashi Cantt., Dist- Varanashi, Uttar Pradesh.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar
For the Opposite Party/s	:	Mr. Anil Prasad Singh
For the O.P. No. 2	:	Mr. Shashi Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-11-2018

Heard learned counsels for the parties.

The petitioner being the husband of the informant, is apprehending arrest in a case registered for offence punishable under Section 498A of the IPC.

The prosecution case as per the written report submitted by Naznin Salma, O.P. No. 2 is to the effect that marriage between the petitioner and O.P. No. 2 was performed in April, 2008 and thereafter they were blessed with two children but subsequently after about nine years of marriage, the torture was inflicted upon O.P. No. 2. It is further alleged that the petitioner kept two children with him and drove the informant out of matrimonial house. The petitioner is also alleged to have performed second



marriage.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the informant and birth of two children. However, the petitioner is not ready to keep the informant at present. The petitioner has also pronounced Talaq to the informant.

Learned counsel for the informant submits that the informant is ready to resume the conjugal life as she denies the factum of Talaq. It is further submitted that she is being deprived of having children with her and it is the petitioner who deserted the informant.

It appears that on joint prayer of the parties this Court vide order dated 20.09.2018 referred the matter to the Mediation and Conciliation Centre of the Bihar State Legal Services Authority. The report of the Mediator at Flag 'C' reflects that the issue could not be resolved through the process of mediation.

Learned counsel for the informant submits that the informant is ready to resolve the issue in terms of payment of one time settlement amount, to which the petitioner is not ready. However, learned counsel for the petitioner submits that in alternative, the petitioner is ready



to make payment of Rs.3,500/- per month to the informant from December, 2018 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the informant, on instructions, submits that the informant accepts the alternative offer of the petitioner and is ready to submit her bank account number within a period of three weeks from today by filing the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the informant for the present from destitution and vagrancy with a lurking hope that the issue might reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar in connection with Dumraon P.S. Case No. 320 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order passed in matrimonial, maintenance or collateral proceedings.

Three consecutive defaults in making payment will



give liberty to the informant to file application for
cancellation of bail of the petitioner.

The present order, in no way, will preclude the
parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

