

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27597 of 2019

Arising Out of PS. Case No.-2521 Year-2017 Thana- COMPLAINT CASE District- Araria

MD. FIROZ ALAM, Son of Kamruddin @ Karim Uddin, Resident of Village
- Khujari Bazar, Malik Tola, Bhargama, P.S.- Bhargama, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sajda Khatoon, Wife of Md. Firoz Alam, D/O- Abdul Jalil Resident of Village - Gamhariya Islampur, P.S.- Bhargama, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-11-2019 Heard learned counsels for the petitioner,
complainant and the State.

The petitioner, being the husband of the complainant, is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The prosecution case as per the complaint petition is that the complainant was married with the petitioner four years prior to lodging of the present case, but subsequent to the marriage, there was further dowry demand of one motorcycle and Rupees One Lac cash was made and due to non-fulfillment



of the same, torture was inflicted upon the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 7 of the petition which reads as follows:-

“That, in spite of all these happenings,
the petitioner is still ready to resume the conjugal
life and to keep the complainant with all honour,
affection and dignity....”

It is submitted by learned counsel for the complainant that due to past conduct of the petitioner, the complainant is not ready to resume the conjugal life. Moreover, the petitioner is not making payment of maintenance amount as awarded by the learned Principal Judge, Family Court, Araria, in Maintenance Case No. 299M of 2017.

It appears that on joint prayer of the parties, vide order dated 30.07.2019, the matter was referred to the Mediation and Conciliation Centre of the Patna High Court by a Co-ordinate Bench of this Court. The report of the Mediator dated 27.09.2019 kept at ‘Flag-B’ reflects that the issue between the parties could not be resolved through the process of mediation.



Considering the report of the Mediator and the present stand of the complainant that she is not ready to resume the conjugal life, 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 Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 2521C of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., subject to production of substantial proof with regard to payment of up-to-date maintenance amount as awarded by the learned Court below till the issue is being settled or the award is being modified by any competent Court.

(Dinesh Kumar Singh, J)

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