

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30823 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- AAJAM NAGAR District- Katihar

MD. RIZWAN @ RIZWAN ALAM, aged about 24 years, Male, Son of Md. Matiur Rahman Resident of Village- Paigwan, Police Station- Azamnagar, District- Katihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Tamanna Khatoon, Wife of Md. Rizwan d/o Md. Mojibur Rahman presently residing at Village- Narayanpur, Police Station- Azamnagar, District- Katihar.

.. ... Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Md. Rahmatullah, Advocate
For the O.P. No. 2	:	Mr. Anup Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 26-11-2019 Perused he Medication Report. It appears that the

Mediation has failed.

Petitioner, who is husband of opposite party no. 2, has moved this court for grant of anticipatory bail in connection with Azamnagar (Salmari O.P.) P.S. Case No. 264 of 2018 for the offences under Sections 498(A), 323, 354(A), 379, 504/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, pending in the court of learned A.C.J.M. - VI, Katihar.

While it is the contention of learned counsel for the petitioner that he is always ready and willing to take the



opposite party no. 2 as his lawful wife and is ready to live with her with full dignity and care, the stand of opposite party no. 2 is that the petitioner has never been serious about it and in fact he has indulged in quarreling with opposite party no. 2 even in course of Mediation and further that in the facts and circumstances of the case now the opposite party no. 2 is not willing to live with the petitioner and wants one time settlement with the petitioner.

Considering the facts and circumstances of the case, wherein there appears to be an issue of compatibility between the parties and now the opposite party no. 2 wants to come out of marriage and enter into a settlement and it is the voluntary offer of the petitioner that at this stage he would be willing to pay a sum of Rs. 3000/- per month to the informant/complainant towards maintenance subject to final outcome of the maintenance case, let the above-named petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Katihar, in



connection with Azamnagar (Salmari O.P.) P.S. Case No. 264 of 2018, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that in terms of his own undertaking the petitioner shall pay a sum of Rs. 3000/- to the informant/opposite party no. 2 in between 1st and 15th day of the month and shall remit the amount in the account of the informant/opposite party no. 2 regularly subject to final outcome of the maintenance case.

In case, the petitioner fails to abide by any of the conditions and undertaking as stated-above, it will be open



for the informant/opposite party no. 2 to file an appropriate application in the court below for cancellation of bail bond of the petitioner.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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