

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33146 of 2019

Arising Out of PS. Case No.-549 Year-2005 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Md. Ahle Imam @ Ahloo @ Ahallu, Son of Muizuddin @ Chhotan Miyan,
Resident of Village - Bibipur Uttar Tola, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mahjabi Khatoon, Wife of Md. Ahle Imam @ Ahloo @ Ahallu, D/O Late Md. Manjar @ Moiuddin, At Present Resident of Village - Naviganj Ekangar Sarai, P.S.- Ekangar Sarai, District- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Shyamal Prakash, Advocate
For the State	:	Mr.Murli Dhar, APP
For O.P. No.2	:	Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-11-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State. Learned counsel for Opposite Party No.2 is also present.

In pursuance of the order dated 20.05.2019, the petitioner and the Opposite Party No.2 are present in Court.

It has been contended by the petitioner that he is ready and willing to keep his wife (O.P. No.2) with all honour and dignity, but on interaction, it appears that the O.P. No.2 is not willing to go back to her matrimonial home and live with her husband. She has submitted with clarity that she will not continue her matrimonial relationship with the petitioner and



would opt for a settlement and therefore, a sum of Rs.1,00,000/- (One lac) may be treated as full and final settlement of her claims towards alimony and if the petitioner agrees to pay the sum aforementioned, he may be extended the privilege of bail, subject to his depositing the aforementioned amount in the court below.

Learned counsel for the petitioner submits that the aforementioned amount would be deposited within a period of six weeks from the date of receipt/production of a copy of this order in the court below.

It is thus directed that if the petitioner appears in the court below within a period of six weeks from today, the court below shall on his depositing a sum of Rs.1,00,000/- (One lac) towards final settlement of the claim of the Opposite Party No.2, release the petitioner on bail, in the event of his arrest or surrender, on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Hilsa, Nalanda, in connection with Complaint Case No.549 (C) of 2005, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

It is clarified that the child born out of the said



marriage, who is right now in the custody of the mother, namely, Mahjabi Khatoon (O.P. No.2), will continue to remain with her.

With the aforementioned directions, the application stands disposed of.

(Anjana Mishra, J)

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