

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42609 of 2019**

Arising Out of PS. Case No.-1037 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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MD. SADARE ALAM @ UJALE @ SADARE ALAM @ UJALE @ MD.
SADARE ALAM @ SADARE ALAM Son of Late Samse Alam @ Dalare
Resident of Village - Parwaha, P.S.- Parihar, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rijwana Khatoon Wife of Md. Sadare Alam @ Ujale Resident of Village -
Parwaha, P.S.- Parihar, District - Sitamarhi, At Present - D/O Md. Mujtba @
Gulab, Resident of Village - Kanhwa,i, P.S.- Bela, District - Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra
For the Opposite Party/s : Mr.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-12-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Complaint case no. 1037 of 2018 registered

for the offences punishable under Section 498A/34 of Indian

Penal Code.

The present case was referred to the Patna High

Court Mediation and Conciliation Center and it appears that the

matrimonial dispute in between the husband and the wife has

been resolved and an agreement dated 05.12.2019 has been

entered into, terms and conditions whereof, are reproduced



hereinbelow :-

“1. Both, husband and wife are ready to live together and to lead the conjugal life peacefully.

2. Due to familiar problem 2nd party will live at rental house which is arranged by husband of 1st party only for two months, thereafter 2nd party will live his husband home (1st party) with full dignity and honour.

3. The wife and husband agreed to live together peacefully, wife will not leave the house of husband without any information to her husband.

4. The wife will honour the husband to the family member in her sasural.

5. That the husband also agreed to keep his wife with full honour and dignity.

6. Both parties agreed to withdraw their all pending cases.

7. That husband is also ready to keep his wife at his house and he will provide food, cloth and other necessary items in time and will give protection to his wife.

8. The family of both the party will not interfere in any of their matter.

9. The first party (husband) took his wife to his own house from the Mediation Centre.

10. That in the above contents of the agreement have been read over and explained to us in Hindi which we have fully understood and accepted thereupon.

11. That in the above terms and conditions a settlement has been arrived at between the parties and both have signed in presence of their learned



counsels, who have also put their signature on this agreement.”

The learned counsel for the petitioner and the opposite party no. 2 (wife) jointly submit that the petitioner and the opposite party no. 2 are living happily as husband and wife and at the moment, there is no subsisting matrimonial dispute.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar, Sitamarhi in connection with Complaint case no. 1037 of 2018, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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