

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55607 of 2019

Arising Out of PS. Case No.-1641 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MD. IMTEYAJ @ IMTEYAJ Son of Md. Taushid @ Md. Tauhid Resident of
Village- Mathurapur, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Noorjahan Begam @ Noor Begam @ Nurjehan Begum Wife of Md. Imteyaj
Resident of Village- Mathurapur, P.S.- Turkauliya, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. (Dr.) Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-03-2020 Heard learned counsel for the petitioner, informant
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
offence punishable under Section 498A of the Indian Penal
Code.

The prosecution case as per the complainant
Noorjahan is to the effect that she was married with the
petitioner in the year 1980, but subsequently the petitioner
developed intimacy with some other lady, and thereafter, the
torture was inflicted upon the complainant. The issue was



resolved for certain time, but subsequently, the petitioner stopped to provide food to the complainant and make an attempt to take life of the complainant.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant.

It appears that at the request of learned counsel for the parties, vide order dated 16.11.2019, passed by a Co-ordinate bench of this Court, the matter was referred to the Mediation Centre of the Patna High Court. The report of the Mediator dated 06.01.2020, kept at 'Flag-M' reflects that the issue has been reconciled between the parties. A terms of agreement was also entered into between the parties which reflects that complainant will stay in the house of the petitioner and the petitioner will make payment of monthly amount in the bank account of the complainant by fifth day of every succeeding month. Though the quantum of amount has not been mentioned in the terms of agreement, but it is claimed by learned counsel for the petitioner that an amount of Rs.1500/- was being paid to the complainant per month. However, it is submitted by learned counsel for complainant that it was Rs.2000/- per month.

In the circumstances, the petitioner is directed to make payment of amount of Rs.1800/- per month to the



complainant from January, 2020.

Learned counsel for the petitioner further submits that the petitioner is ready to allow the complainant to reside to his house and to make payment of Rs.1800/- per month to the complainant from January, 2020 by depositing the same in the bank account of the complainant in terms of the agreement.

The counsel for the complainant submits that the complainant is ready to accept the offer of the petitioner and undertakes to submit her bank account number on affidavit before the learned Court below within a period of two weeks.

Considering the present stand of the parties, 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 12 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 the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Trial No.2337 of 2019, arising out of Complaint Case No.1641 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid payment will be subject to any order being passed in matrimonial or maintenance proceeding.



Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The present order will not preclude the parties to reconcile the issues otherwise.

(Dinesh Kumar Singh, J)

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