

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64332 of 2019**

Arising Out of PS. Case No.-28 Year-2019 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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FAISAL IMAM KHAN @ FAIZI @ FAISAL KHAN Son of Late Imamuddin Khan Resident of Mohalla - Panchayati Akhara, P.S.- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahwish Mokhtar Wife of Faisal Imam Khan @ Faizi Resident of Mohalla - Panchayati Akhara, P.S.- Kotwali, District - Gaya. At present Mahwish Mokhtar Daughter of Mokhtar Ahmad, Resident of Mohalla - Pathan Toli, Ward No. 24, P.S.- Town, District - Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh
For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 04-03-2020 Heard the learned counsel for the petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 28 of 2019, registered for the offence punishable under Sections 323, 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The allegation is regarding the petitioner herein, who is the husband of the opposite party no. 2, having tortured her on account of non-fulfillment of the demand for dowry.

It appears that the present case was referred to the Patna High Court Mediation Centre, Patna, however, the learned



Mediator has furnished a report dated 7.1.2020 whereby and whereunder it has been stated that the mediation has failed.

De hors the allegations and counter allegations levelled by the petitioner and the opposite party no. 2 against each other, the learned counsel for the parties agree that the petitioner shall pay a sum of Rs. 5,000/- per month as maintenance to the opposite party no. 2 till any maintenance proceedings are taken to its logical conclusion and in lieu thereof, the opposite party no. 2 shall not oppose the prayer for bail of the petitioner herein.

Having regard to the submissions made by the learned counsel for the petitioner as also the learned counsel for the opposite party no. 2, I deem it fit and proper to dispose of the present petition with an observation that the petitioner shall furnish an undertaking before the court of learned Sub-Divisional Judicial Magistrate, Aurangabad in connection with Complaint Case No. 28 of 2019 that he would pay a sum of Rs. 5,000/- per month as maintenance to the opposite party no. 2 regularly without fail, as aforesaid, as also would pay a cheque of Rs. 5,000/- at the time of approaching the learned court below for the purposes of grant of anticipatory bail whereupon the petitioner shall be admitted to the privilege of anticipatory bail, subject to such other conditions as may be deemed fit and



proper to be imposed by the learned court below.

It is needless to state that the opposite party no. 2 shall furnish her account number before the learned court below in order to facilitate regular payment of the aforesaid amount of maintenance fixed in the present proceedings.

The present petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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