

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34589 of 2023

Arising Out of PS. Case No.-1765 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Imteyaz Ahmad, Gender-Male, aged about 35 years, S/O Nasim Ahmad @ Master Nasim @ Moster Naseem, R/O Village- Fataha (Fathan), P.S- Gopalganj, Distt.- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar.
2. Naznin Firdaus, W/O Imteyaz Ahmad, D/O Salamgir Ahmad, R/O Village- Fatahan, P.S- Gopalganj, Distt.- Gopalganj.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Javed Aslam, Advocate
For the O.P. No. 2	:	Mr. Dharmveer, Advocate
For the State	:	Mrs. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 29-02-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1765 of 2021, Trial No. 2230 of 2022 registered for the offences punishable under Section 498A of the I.P.C. and Sections $\frac{3}{4}$ of the D.P. Act.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have tortured the complainant due to non-fulfilment of demand of a car as dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is submitted that the parents of the complainant solemnized the marriage of the complainant with the petitioner against her will. The complainant does not want to marry with the petitioner due to poor economical condition of the petitioner. The economical condition of the complainant's father is much better than the petitioner. The same is the main root of the dispute between the husband and the wife. However, the petitioner kept the complainant as his wife with full dignity and honour and the complainant was blessed with a child due to the said wedlock. It is further submitted that in spite of that she did not like to live in her matrimonial house. She voluntarily went to her maike and she did not return to her matrimonial house. The petitioner tried his best to bring her in his house but due to her rigidity he failed to do so. It is further submitted that the petitioner is still ready to keep the complainant as his wife with full dignity and honour as his wife as stated in paragraph no. 10 of the bail petition. There is general and omnibus allegation against the petitioner. Learned



counsel for the petitioner has relied upon the judgments of this Court in the case of “*Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in *2006(3) PLJR 182*” and in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351* and *Md. Asfak Alam Vs. The State of Jharkhand & Anr.* passed in *Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023*.

Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. However, now the petitioner and the complainant are ready to resolve the dispute between them through the Mediation Proceeding on the following terms and conditions:-

**“ Patna High Court Mediation Centre
Memorandum of Agreement
Mediation Proceeding No. 1018 of 2023
(Arising out of Cr. Misc. No. 34589 of 2023)**

An agreement made on 04.01.2023 at the High Court, Patna Mediation Centre, between,
Imteyaz Ahmad, Son of Nasim Ahmad @ Master Nasim @ Moster Naseem, resident of Village-Fataha (Fathan), P.S.-Gopalganj, District-Gopalganj. ----(First Party).

And

Naznin Firdaus, wife of Imteyaz Ahmad, D/O Salamgir Ahmad, resident of Village-Fatahan, P.S. -Gopalganj, District-Gopalganj. ----(Second Party).



Both the parties appeared in the Mediation Proceeding along with their Advocates and are ready to resolve their dispute through the Mediation Proceeding on the following terms and conditions:-

1. That after great persuasion both the parties agreed to live separately and for this the petitioner offered to pay Rs. 6,00,000/- (Rupees Six Lakhs Only) as full and final one time settlement amount to the Opposite party No. 2 (Naznin Firdaus) in four equal instalment. Opposite party No. 2 accepted the offer and gave her consent to finally compromise this case i.e., Gopalganj Complaint Case No. 1765 of 2021, pending in the Court of S.D.J.M., Gopalganj. The payment shall be made by Bank Draft/Cheque in the name of opposite party no. 2 (Naznin Firdaus) at the time of furnishing bail bond and rest three instalment will be paid within a seven months.
2. This settlement shall be full and final settlement and no any claim in future shall be made against each other.
3. That both the parties agreed to withdraw the case filed against each other. The opposite party No. 2 also agreed to withdraw the Maintenance Case No. 217 of 2021 pending in the Court of Principal Judge, Family Court, Gopalganj.
4. That the both cases withdraw after full payment of Rs. 6,00,000/- (Rupees Six Lakh) to the opposite party no. 2.
5. That the petitioner assured that he will handover articles whatever available in his house to the opposite party no. 2.
6. That the articles would be handed over to the opposite party no. 2 after accepting bail bond.
7. That the above contents of the agreement have been read over and explained to us in Hindi which have fully understood and accepted there upon.
8. That in the above terms and conditions a settlement has been arrived at between the parties and both have signed/L.T.I. in presence of their learned counsel, who have also put their signature on this agreement.

Sd/-
(Imteyaz Ahmad)
Signature of the petitioner
Date-04.01.2024

Sd/-
(Javed Aslam)
Signature of the petitioner's
Advocate, A.O.R. No. 00602
Date-04.01.2024

Sd/-
(Naznin Firdaus)
Signature of the opposite party
No. 2. Date-04.01.2024.

Sd/-
(Dharamveer)
Signature of the O.P. No. 2,
Advocate, A.O.R. No. 00245
Date-04.01.2024"



5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have also conceded the contentions made by the learned counsel for the petitioner. Learned counsel for the opposite party no. 2 has further submitted that now the petitioner and the complainant have resolved the dispute through the Mediation Proceeding on the terms and conditions as stated above and they have no any grievance to each other.

6. Considering the aforesaid facts and circumstances of the case as well as both the parties have resolved the dispute through the mediation proceeding, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Gopalganj in connection with Complaint Case No. 1765 of 2021, Trial No. 2230 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are liable to be cancelled.

II. If the petitioner is found involved in any other similar nature of case in future, the prosecution will have liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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