

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36744 of 2023

Arising Out of PS. Case No.-1583 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Md. Saiful Islam @ Saiful Islam Son of Late Zeyaul Islam Resident of village
- Mathurapur, P.S. - Varisnagar, Distt. - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Tanseem Anwar @ Taslim Anwar Wife of Md. Saiful Islam @ Saiful Islam,
D/o Late Dr. Md. Anwar Arfin Presently residing at Lakhminiya, ward no.
17, Near Old Mosque, P.S. - Balia, Distt. - Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Ram Naresh Ray

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 20-02-2024 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No. 1583(C)/2021 dated
22.11.2021 registered for the offence punishable u/s
323/504/498A of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have tortured the complainant
mentally and physically due to non-fulfillment of demand of
four wheeler, colour TV, fridge and Rs. 5,00,000/- as dowry.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the complainant. The petitioner neither demanded any dowry nor tortured the complainant. There is general and omnibus allegation against the petitioner. Learned counsel for the petitioner has relied upon the judgment 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.**" Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments 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.** The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The dispute between the parties for amicable settlement has resolved through mediation dated 02.02.2024 and the report of mediation as quoted hereinbelow :-

(i) That the First Party Md. Saiful Islam @ Saiful Islam and the Second Party, Tasneem Anwar have mutually agreed to dissolve their marriage as husband and wife. Both parties shall take all necessary steps to dissolve their marriage in



accordance with Muslim law between 26.02.2024 to 29.02.2024.

(ii) That the First Party, Md. Saiful Islam @ Saiful Islam is paying one time permanent alimony of Rs.9,00,000/- (Rs. Nine Lakh only) to the Second Party, Tasneem Anwar @ Taslim Anwar in two installments of Rs.4,50,000/- (Rupees Four Lacs Fifty Thousand Only) each, which also includes amount of maher and expenses of iddat period.

(iii) That the first installment of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand Only) shall be paid through Demand Draft No. 325021 dated 01.02.2024 at the time of passing of final order by the Hon'ble High Court, Patna in Cr. Misc. No. 36744 of 2023. Copy of Demand Draft No. 325021 dated 01.02.2024 is duly enclosed herewith.

(iv) That the Second instalment of Rs. 4,50,000/- (Rupees Four Lakh Fifty Thousand Only) shall be deposited by the first party through demand draft in the Court of learned SDJM, Begusarai in connection with Complaint Case No. 1583 (c)/ 2021 on or before 24.02.2024 and photocopy of the demand draft shall be handed over to the second party or her counsel.

(v) That the Second Party shall take all needful steps for disposal/withdrawal of Complaint Case No.1583(c) of 2021 pending in Court of learned S.D.J.M., Begusarai filed by Tasneem Anwar @ Taslim Anwar against Md. Saiful Islam @ Saiful Islam, Noorul Islam @Nural Islam, Asfahani @ Ashfahani Khanam and Razia Sultan @ Rajiya Sultana under section- 323, 504 498A IPC and upon disposal of this case, the Second party shall be entitled to receive the demand draft of remaining amount of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand) from the court of learned S.D.J.M, Begusarai.

(vi) That the Second Party shall not claim any maintenance from First Party in future expect aforesaid permanent alimony. The Second Party shall take all needful steps and also withdraw



Maintenance Case No-131 of 2021 pending in the court of Principal Judge, Family Court, Begusarai without loss of time.

(vii) That if the first party fail to deposit demand draft with respect to the second installment in the court below, the amount of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand) received in the Hon'ble High Court shall be forfeited and cases pending against the first party and others shall inevitably continue.

(viii) That if the second party fails to take needful steps for disposal / withdrawal of (i) Complaint Case No.1583(c) of 2021 pending in the Court of learned S.D.J.M., Begusarai against Saiful Islam, Noorul Islam, Ashfahani Khanam and Rajiaya Sultana U/s 323, 504, 498A IPC and (ii) Maintenance Case No. 131 of 2021 pending in the court of Principal Judge, Family Court, Begusarai, the first party shall be entitled to receive/recover the amount of first installment of Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand) from the second party with interest and the demand draft of second installment shall also be returned to him by the learned Court below.

(ix) That both parties shall not claim any right title and interest in person or any property of each other after this agreement.

(x) That both parties have agreed to withdraw all the allegations levelled each other.

(xi) That either Parties or their family members shall not claim any amount from other Parties or their family members.

(xii) That both parties have agreed to withdraw all cases (Civil or Criminal) whether within the knowledge of other parties or not.

5. Learned counsel for the complainant as well as learned A.P.P. for the State has submitted that the dispute



between has been resolved amicably through mediation dated 02.02.2024.

6. Considering the aforesaid facts and circumstances of the case as well as in view of the terms and conditions of the mediation report, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Begusarai in connection with Complaint Case No. 1583(c) of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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