

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40110 of 2024

Arising Out of PS. Case No.-5 Year-2022 Thana- MAHILA PS District- Gopalganj

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Mojibur Rahman @ Bholi @ M. Rahman Son of Late Navi Hussain Resident
of Village - Piyayu, P.S.- M.H. Nagar (Hasanpur), District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shazia Perveen Wife of Majibur Rahman @ Bholi @ M. Rahman D/o
Nawas Ali, At Present Resident at Village - Chhitauli, P.S.- Manjhagarh,
District - Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP
For the Informant	:	Mr. Md. Danish Quamar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-01-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 5 of 2022 for the offence under Sections 341, 323, 498A, 406, 494, 506 and 34 of the I.P.C. and Sections 3/4 of the Dowry Prohibition Act lodged on 04.02.2022 by the informant, Shazia Perveen.

3. Earlier, the matter was sent to the mediation center on 03.07.2024 and now the report has come according to which, the parties have resolved their dispute.



4. The mediation report read as follows:-

Patna High Court Mediation Centre

Memorandum of Agreement

Mediation Proceeding No.967 of 2024

[Arising out of Cr.Misc. No.40110 of 2024]

An agreement made on 25.07.2024 at the High Court

Patna Mediation Centre, between, Mojibur Rahman Bholi @ M. Rahman, Son of Late Navi Hussain, Resident of Village-Piyayu, P.S.-M.H. Nagar (Hasanpur), District-Siwan.

Petitioner/(First party).

And

Shazia Perveen, wife of Majibur Rahman @ Bholi M. Rahman, D/o Nawas Ali, at present Resident of Village-Chhitauli, P.S.-Manjhagarh, District-Gopalganj.

--- Opposite Party No.2 (Second party).

Both the parties appeared with their respective Counsels and they are agreed to settle the dispute at present by giving and taking maintenance of Rs.22,000/- (Rupees Twenty Two Thousand) per month till 10th day of every succeeding month until the order of learned Family Court in Maintenance Case No.214 of 2021, dated 15.11.2021 when the maintenance will be allowed from learned Principal Judge, Family Court, the petitioner will start to pay as per order of the learned



Principal Judge Family Court and the present maintenance amount will be stopped.

Today the petitioner is paying Rs. Rs.20,000/- (Rupees Twenty Thousand) as maintenance as per last order of mediation 18.07.2024 and he is also paying Rs.5000/- (Rupees Five Thousand) in compliance of order dated 03.07.2024.

For further payment of maintenance amount will be made in the account of the Opposite Party No.2 (wife) namely Shazia Perveen, Account No.922010025245576, IFSC Code-UTIB0001148 of AXIS Bank, Jasola Branch, New Delhi. The total amount of Rs.25,000/- (Rupees Twenty Five Thousand) is paid in cash before me by the petitioner ti Opposite Party No.2 and she received it on record.

That the above contents of the agreement have been read over and explained before both the parties in Hindi which they have fully understood and accepted there upon.

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.

Sd/-

(Mojibur Rahman @ Bholi @ M. Rahman)

Signature of the petitioner

Sd/-

(Shazia Perveen)

Signature of the O.P. No. 2



Date- 25.07.2024

Date-25.07.2024

5. The allegation against the petitioner is of having solemnized the marriage on 2006 but was tortured for dowry which led to the case.

6. Later the stand of the petitioner was that they are living happily alongwith their children with full dignity and honour to the lady.

7. In that background and since there is no opposition from the opposite party no. 2 who is present, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Gopalganj, in connection with Mahila P.S. Case No. 5 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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