

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52525 of 2016

Arising Out of PS. Case No.-99 Year-2016 Thana- AWADPUR District- Katihar

Md. Jahid Ali @ Jahid Ali

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheopujan Sahay, Advocate
For the Opposite Party/s	:	Mr. SRI BINOD KUMAR
For the O.P. No. 2	:	Mr. Manjar Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 06-10-2017 Heard learned counsels for the parties.

The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A,307,406,467 and 468/34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

The prosecution case got initiated with the filing of Complaint Case No. 1463 of 2016 on 27.7.2016 which ultimately got registered as Abadpur P.S. Case No. 99 of 2016 on 10.9.2016 after complaint being transferred under section 156(3) of the Cr.P.C. to the police station. The complainant got married with the petitioner on 5.8.2015 as per Muslim rites and customs on fixation of Dain Mehar of Rs.1,50,000/-. The informant was a divorcee and has a female child from the first



marriage, whereas the petitioner was also a widower having a daughter from the first wife, however, the petitioner and the informant do not have a child from their wedlock. But soon after the marriage, demand of Rupees one lac was made. It is alleged that on 5.5.2016, the demand was again repeated and the complainant was forcefully administered poison and her signature was taken on a blank paper and thereafter she was driven out from the matrimonial house. The father of the informant sought to get the issue reconciled, but failed, due to the non-cooperation of in-laws.

It is submitted by learned counsel for the petitioner that for the occurrence of 5.5.2016, the complaint was filed on 27.7.2016. The petitioner admits his marriage with the informant and that he filed Matrimonial Suit No. 231 of 2016 for the restitution of conjugal life on 20.5.2016, prior to the lodging of the present complaint. The petitioner is ready to keep the complainant with dignity and honour and statement to that effect has been made in paragraph 10 of the petition which reads as follows:

“That the petitioner is ready to keep the complainant wife with love dignity and honour which she deserve considering the facts and circumstances stated above privilege of anticipatory



bail may be extended to the petitioner.”

Considering the above stand of the petitioner, a bench of this Court, vide order dated 9.3.2017, referred the matter to the Patna High Court Mediation and Conciliation Centre. The report of the Mediator dated 8.8.2017, at Flag B reflects that the issue got resolved, both the sides decided to reside together and take care of both the daughters from their first marriage and also to withdraw all the cases filed by the respective parties. Consequently, the informant went to her matrimonial house, but the petitioner then alleges that the informant called her brother and got the petitioner assaulted. However, it is submitted that the petitioner is still ready to keep the informant as wife with full dignity and honour and take care of the children.

Learned counsel for the informant submits that the issue was resolved in mediation but it was the petitioner who had driven out the informant from the matrimonial house, after assaulting her. However, the informant is ready to accept the offer of the petitioner of resuming conjugal life but she is apprehensive due to past conduct of the petitioner.

Considering the present stand of the parties, in order to save the informant and children from destitution and vagrancy, with a lurking hope that the issue may reconcile in future, let the



petitioner above named be released on provisional anticipatory bail for a period of six months in the event of arrest or surrender within six weeks from today on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Katihar in connection with Abadpur P.S. Case No. 99 of 2016.

The provisional bail of the petitioner will be confirmed in three eventualities - (i) if the matrimonial harmony is substantially restored, or (ii) if the informant fails to appear before the learned court below, or (iii) if the informant gets reluctant to reconcile the issue.

Let a copy of this order along with a copy of the terms of agreement before the Mediation be transmitted to the learned court below.

(Dinesh Kumar Singh, J)

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