

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.115 of 2018

Arising Out of PS.Case No. -537 Year- 2017 Thana -PHULWARI District- PATNA

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Md. Shoaib Ahmad @ Danish, Son of Md. Fazilat Ahmad, Resident of Lal Mian Ki Dargah, P.S.- Phulwari Sharif, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Shaba Hasib, S/o Md. Abdul Hasib, Resident of Samanpura, Raja Bazar, P.S. Rajeev Nagar, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Kumar Rajeev, Advocate.

For the State : Mr. Md. Nazir Ansari

For the O.P. No. 2 : Mr. Ramakant Sharma, Senior Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 06-04-2018

Heard learned counsel for the petitioner, learned senior counsel for opposite party no. 2 and learned counsel for the A.P.P.

The petitioner seeks confirmation of provisional bail granted vide order dated 05.01.2018 in a case registered for the offence under Sections 498(A), 341, 323, 354(A), 354(B), 379, 504 and 506 of the IPC.

The prosecution case, in brief is, that the marriage of the informant was solemnized with this petitioner on 12.10.2017. It is alleged that this petitioner alongwith other family members started torturing the informant and putting pressure to bring Rs. 2,00,000/- from the *Naihar* of the informant. On 27.08.2017, all accused persons assaulted the informant and ousted her from the matrimonial house at 9.00 P.M. and also kept the belongings of



the informant. This petitioner also outraged the modesty of the informant.

By order dated 05.01.2018, on the joint prayer of learned counsels for the petitioner and opposite party no. 2, the matter was referred to the Mediation Centre of Patna High Court Legal Services Committee, Patna, for reconciliation between the parties and the petitioner was granted provisional bail till further orders so that he could participate in the reconciliation proceeding.

As per the report of the Mediator, mediation had failed and thereafter the matter was placed 'For Admission'.

Considering the age of the petitioner and opposite party no. 2, a second attempt was made for reconciliation between the parties and the matter was placed in Chamber on 28.03.2018.

On 28.03.2018, in Chamber, after great persuasion, the petitioner and opposite party no. 2 had agreed to mutually reconcile their grievances and the matter was posted for 16.04.2018 in Chamber where the petitioner and opposite party no. 2 were directed to be physically present.

The present application today has come up at the instance of learned counsel for opposite party no. 2 by filing a mention slip. Today, it has been submitted that no reconciliation could be arrived between the petitioner and opposite party no. 2.



Considering the fact that reconciliation could not be arrived between the petitioner and opposite party no. 2 it would be appropriate to pass an order on the merit of the case.

It has been submitted on behalf of the petitioner that the petitioner was in custody since 24.09.2017, however, at present, he is on provisional bail. Charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has remained in custody for a sufficient period. The petitioner has falsely been implicated in the present case due to petty family dispute. The case is triable by the Magistrate. The petitioner has further 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.

Considering the aforesaid facts and circumstances, the provisional bail granted to the petitioner vide order dated 05.01.2018, passed in Cr. Misc. No. 115 of 2018, in connection with Phulwari Sharif P.S. Case No. 537 of 2017, pending in the court of learned J.M. Ist Class, Patna, is hereby confirmed.

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(Sudhir Singh, J)