

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5658 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- CIVIL LINE District- Gaya

Shahnawaj Shams S/o Md. Shamshuddin Resident of 3/2A, Narkul Danga
Main Road, Kolkata P.S.-Narkuldanga,

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gaus Talat D/o Mohammad Shamim Alam Resident of Road No. 5, New Karimganj, P.S-Civil Line,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagmani Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 30-08-2019 This application, for grant of anticipatory bail, arises out of Civil Line P.S. Case No. 95 of 2018, disclosing offences under Sections 498A of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Petitioner happens to be husband of opposite party no. 2 and allegation against him is of subjecting opposite party no. 2 to torture and cruelty with respect to demand of dowry.

Earlier the matter was referred to Patna High Mediation and Conciliation Center, Patna and from the report of learned Mediator, it appears that in spite of best efforts, the mediation between the parties failed. Thereafter, this case was directed to be listed in Chambers today vide order dated



27.08.2019 and both the parties were directed to remain physically present.

As per direction of this Court, both the parties have appeared today, in person along with their counsels.

After mediation, the petitioner has agreed to keep the opposite party no. 2 with full honour and dignity and also assured that he will allow her to do a Job in Kolkata, as opposite party no. 2 is pursuing the PhD course and desires to do a job in Kolkata.

Opposite party no. 2 – wife has also shown his willingness to live with the petitioner, if she is kept with full honour and dignity and if she is allowed to live in Kolkata so that she may do a job. She has also stated that she has no objection in residing with family members of the petitioner unless she is not subjected to cruelty by them.

Heard learned counsels for the parties also.

Considering the facts and circumstances, petitioner is directed to go to the house of opposite party no. 2 on 7th / 8th of September 2019 to take the opposite party no. 2 and also to surrender in the court below on 9th of September 2019 and the court below shall release the petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Gaya, in connection with Civil Line P.S. Case No. 95 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Once both the parties successfully live together for six months, the opposite party no. 2 is at liberty to withdraw her case against the petitioner.

(Vinod Kumar Sinha, J)

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