

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10686 of 2019

Arising Out of PS. Case No.-55 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

Md. Shah Faisal @ Md. Shah Faizal Son of Md. Fahimuddin Resident of
Mohalla - Kaura Maidan, P.S.- Kotwali, Distt - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shagufta Praween D/o Late Md. Ibrahim Resident of Mohalla - Piparpanti
Road, Nath Nagar, P.S.- Nath Nagar, Distt - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Kumar Jha

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-04-2019 This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No. 55 of 2018, disclosing offences under Sections 498(A), 323, 341, 504, 506 and 34 of the Indian Penal code and Section 3/4 of the Dowry Prohibition Act.

Allegation against the petitioner is that is of subjecting his wife to cruelty with respect to demand of 200 gram gold and five lacs rupees. The petitioner, who happens to be the husband of the opposite party no.2, along with other accused persons started torturing her. The father and the mother of the opposite party no.2 also tried to pacify the matter, but in spite of that she was subjected to torture and assault and she was



sent to Maiké.

Submission of learned counsel for the petitioner is that as a matter of fact, he has filed a complaint petition against the complainant, which is Complaint Case No. 610C of 2018 at Munger, that he has assaulted by the family members of the complainant when at the dispensary where the complainant was under treatment with respect to vulnerable disease and skin disease and further he has also filed a divorce case on 28.09.2018 and thereafter the present case has been filed by the complainant on 03.03.2018 against the petitioner and making his whole family members as accused and the the whole allegation is false and concocted and the petitioner is still ready for one time settlement in the matter.

Heard A.P.P. as well as learned counsel for the complainant, who have opposed the prayer for anticipatory bail to the petitioner on the ground that the allegation is that the complainant is suffering from vulnerable disease is false and concocted with a view to divorce the complainant and she was subjected to torture and cruelty from beginning of the marriage and ousted from the house.

Having heard both sides, in view of the facts and circumstances of the case as stated above, let petitioner



surrender before the court below within period of six weeks, be released on provisional bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of court concerned for a period of six months with a condition that both the parties to appear before S.D.J.M., Bhagalpur, who may take up mediation either himself or referred the same to the Mediation Center, Bhagalpur District Legal Services Authority, who will try to settle the dispute between the parties and submit a report within a period of six months to the S.D.J.M., Bhagalpur and after considering the same, S.D.J.M., Bhagalpur shall either confirm the provisional bail of the petitioner or pass any other order or orders which may be deemed fit and proper.

Needless to say that both the parties shall cooperate in mediation.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/SKSuman.

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