

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21766 of 2019

Arising Out of PS. Case No.-983 Year-2014 Thana- COMPLAINT CASE District- Supaul

MD. RIZWAN @ RIZWAN, Son of Md. Usman, Resident of Village-Bagheli,
P.S-Jadia, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ishrat Jahan, Wife of Md. Rizwan, D/o Md. Shafi Alam, Resident of Village-Bagheli, P.S-Jadia, District-Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 16-10-2019 Heard learned counsel for the petitioner, learned counsel for the complainant-opposite party no. 2 and learned APP for the State.

The petitioner, being the husband of the complainant , is apprehending his arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code.

The prosecution case is to the effect that the marriage of the complainant was performed with the petitioner on 16.05.2011, but subsequent to the marriage, further demand of dowry of Rs.50,000/- and a motorcycle was made and due to



non-fulfillment of the same, torture was inflicted upon the complainant by the petitioner and other in-law family members. Ultimately, after snatching all the belongings, the complainant was driven out from the matrimonial house by all the accused persons.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, though statement to that effect has not been made in the petition.

Since the complaint was filed in the year 2014 and the present application with a prayer for anticipatory bail has been filed in the year 2019, this Court is inclined to entertain the same in view of the stand of the petitioner. Subsequently, on the joint prayer of the parties vide order dated 17.07.2019, the matter was referred to the Mediation and Conciliation Centre of Legal Services Committee of the Patna High Court. The report of the Mediator dated 24.09.2019 at Flag 'M' reflects that the issue has been resolved between the parties and both are ready to live together and petitioner will keep the complainant along with him at New Delhi where he resides.

The petitioner and the complainant are present in the



Court and they admit that the issue between them has been resolved during mediation and hence, the complainant is not opposing the prayer for anticipatory bail of the petitioner.

Both sides agree to appear before the learned Court below on 4th of November, 2019 when the petitioner will take the complainant to New Delhi to keep her as wife with full dignity and honour.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for three months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Supaul in connection with Complaint Case No. 983C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

Let this order be transmitted to the learned Court



below along with the terms of agreement arrived at during mediation.

(Dinesh Kumar Singh, J)

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