

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8312 of 2020

Arising Out of PS. Case No.-155 Year-2016 Thana- DIGHWARA District- Saran

NASHIM AKHTAR @ MD. NASHIM AKHTAR Son of Md. Igliyas,
Resident of Village - Maharajganj, P.S.- Kutumba, Distt.- Aurangabad,
(Bihar).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shama Praveen Md. Mansur Alam Resident of Village - Shankarpur Road,
Dighwara, P.S.- Dighwara, Dist.- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kamlendra Pd. Singh
For the Opposite Party/s	:	Mr.Ashraf Ansari
		Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Ashok Kumar, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Dighwara P.S. Case No. 155 of 2016 registered for the offence punishable under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act.

The accusation is regarding the marriage of the informant



having been solemnized with the petitioner on 25.3.2014 and subsequently, the informant was tortured on account of non-fulfillment of the demand for dowry. It is alleged that the petitioner had also tortured the informant and when they were going to their matrimonial house on 1.9.2016, by train and the train had stopped at Hajipur station, the petitioner is alleged to have boarded the running train and had pushed the informant resulting in her falling down. Further, it is stated that the informant had saved herself from coming under the train, whereafter she had got herself treatment at primary health centre, Dighwara, Saran.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is ready to settle the matrimonial disputes in question, hence, the petitioner be at least granted the privilege of bail, whereupon he would participate in the mediation proceedings so that the matter can be settled amicably.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court below within a period of four weeks from today, whereupon the learned court of



Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Dighwara P.S. Case No. 155 of 2016 shall grant provisional bail to the petitioner herein on the very same day and would then issue notice to the wife of the petitioner and upon her appearance, the learned court below shall engage the petitioner and his wife in mediation proceedings, as also make all endeavours to settle the matrimonial dispute in question.

It is further directed that the learned court below shall, upon completion of the mediation proceedings, take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same, taking into account the outcome of the mediation proceedings, as also applying independent mind, without being prejudiced by its earlier order, rejecting the prayer of the petitioner for grant of anticipatory bail.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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