

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8232 of 2020

Arising Out of PS. Case No.-261 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

MD. SHADAB ALAM @ MD. SHADAB @ MD. SADAB Son of Md. Abdul Jamal @ Md. Jamal Kausar Resident of Village - Muzafara, P.O.- Panapur, P.S.- Birpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Sultana Parveen W/o Md. Shadab Alam @ Md. Shadab @ Md. Sadab, D/o Late Md. Aaftab Resident of Village - Moulvichak, Nawada, P.S.- Dalsingsarai, Dist.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 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 Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 261 of 2019, for the offence punishable under Sections 323, 379, 498(A), 493 and 495 of the Indian Penal Code.

The case of the prosecution in brief is that the complainant is stated to have fallen in love with the petitioner



herein, whereafter the petitioner had allured the complainant on the pretext of marrying her and then sexually exploited her. Subsequently, when the matter came to the knowledge of the family of the complainant, mediation was held and the petitioner had to enter into a wedlock with the complainant. It is further alleged by the complainant that thereafter she had gone to her in-laws house, where she was tortured for non-fulfilment of demand for dowry and the accused persons including the petitioner herein hatched a plan to kill the complainant by giving poison. However, the complainant came to know the said plan and thereafter she fled away to her parent's home.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having clean antecedent. It is further submitted that the fact is that she was forcibly married with the petitioner. It is also submitted that the petitioner is ready to settle the dispute.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as also considering the submissions advanced by the learned counsel for the petitioners and taking into account the



materials available on records, I deem it fit and proper to direct the petitioner to surrender before the learned court below within a period of six weeks from today, whereupon the learned court below shall grant him the privilege of provisional bail on the very same day in connection with Complaint Case No. 261 of 2019, pending before the learned Judicial Magistrate, 1st Class, Dalsingsarai, Samastipur, and thereafter the learned court below shall issue notice to the wife of the petitioner herein as also engage the husband and wife in mediation proceedings, and the learned court below shall make all endeavours to settle the matrimonial disputes amongst them. It is further directed that the learned court below shall take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same, after receipt of the outcome of the mediation proceedings as also upon an independent application of mind, without being prejudiced by the order passed by the learned court below earlier, rejecting the anticipatory bail petition of the petitioner herein.

It is also directed that for a period of six weeks from today, no coercive steps shall be taken against the petitioner herein in connection with Complaint Case No. 261 of 2019, pending before the learned Judicial Magistrate, 1st Class,



Dalsingsarai, Samastipur.

The present petition stands disposed off with the
aforesaid directions.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

