

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14463 of 2020

Arising Out of P.S. Case No.-67 Year-2019 Thana- MAHILA P.S. District- Samastipur

MD. IMTAJ @ MD. IMTIYAZ @ MD. INTAJ Son of Md. Enul @ Md. Ayanul Resident of Village-Muktapur, Gopalpur, P.S.-Kalyanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-06-2020 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, learned A.P.P. for the State and Shri Surajdeo Singh, learned counsel for the informant.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 67 of 2019 for the offence registered under Sections 323 and 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The allegation is regarding the informant having solemnized marriage with the petitioner herein according to Muslim rites on 27.08.2018 whereafter she had gone to her



matrimonial home and lived there for sometime, however, thereafter she was asked to bring a sum of Rs. two lakhs from her parents, failing which she would not be kept at her matrimonial home. It is also alleged that the petitioner used to torture and assault the informant on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioner, on the other hand, has submitted that no marriage has been solemnized with the informant and in fact he is living happily with one and only wife, as is apparent from the ration card annexed to the petition. It is further submitted that the petitioner is innocent and he has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

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 court below within a period of four weeks from today, whereupon he shall be granted provisional bail on the very same day by the learned court of 1st Class Judicial Magistrate, Samastipur in connection with Mahila P.S. Case No. 67 of 2019, subject to such conditions as may be



deemed fit and proper to be imposed whereafter the learned court below shall summon the informant and hold mediation proceedings in between the petitioner and the informant. 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, subject to the outcome of the mediation proceedings and upon application of independent mind.

The present petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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