

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14078 of 2020

Arising Out of PS. Case No.-838 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MD. YAHSHAN Son of Md. Kasim Resident of Village - Mor Nisf, P.S.-
Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Darkhshan Jamal Fatma Daughter of Md. Afique Alam Resident of Village -
Rahimpur Jivan @ Raksa, P.S.- Sakara, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-09-2020

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.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Complaint case no. 838 of 2018 registered for the offences punishable under Sections 323, 504, 498A of Indian Penal Code and 3/4 of Dowry Prohibition Act.

The complainant has stated in her complaint petition that her marriage was solemnized with the petitioner in the year 2017, whereafter she had gone to her in-laws' place and



had lived there happily for some time but thereafter, her husband and in-laws started subjecting her to torture and cruelty on account of non-fulfilment of the demand for dowry and finally, she was ousted from her matrimonial 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 a clean antecedent. It is further submitted that the petitioner is ready and willing to keep his wife with due honour and dignity.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that the petitioner is ready and willing to keep his wife with due honour and dignity, I deem it fit and appropriate to grant liberty to the petitioner to surrender before the learned court of S.D.J.M., East Muzaffarpur in connection with Complaint case no. 838 of 2018 within a period of four weeks from today, whereupon he shall be granted provisional bail on the very same day and then the learned court below shall issue notice to the complainant-wife and engage both the petitioner and his wife in mediation proceedings with a view 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 revoking the provisional bail to be granted to the petitioner herein or confirming the same, depending upon the final outcome of the mediation proceeding as also considering the merits of the case.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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