

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14440 of 2020

Arising Out of PS. Case No.-755 Year-2019 Thana- COMPLAINT CASE District- Araria

ABU BAKAR Son of Kalim Resident of Village - Dhama, P.S.- Araria (R.S. O.P.), District - Araria

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanowar @ Hanowar Wife of Abu Bakar D/o - Zubair, Resident of Village - Purandaha, Ward No. 5, P.S.- Simraha, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Md. Mushtaque Alam

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 and Shri Md. Mushtaque Alam, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 755C of 2019 for the offence registered under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The informant is stated to have been married with the petitioner 19 years ago, however, she used to be tortured and



harassed by all the accused persons including the petitioner herein on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he 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 dignity and honour and for that purpose he is ready to engage in mediation proceeding with his wife.

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, considering the submissions of the learned counsel for the petitioner and taking into account the materials available on record, I deem it fit and proper to grant liberty to the petitioner herein to surrender before the learned court below within a period of three weeks from today whereupon he shall be granted the privilege of provisional bail on the very same day by the learned court of Sub-Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 755C of 2019, subject to such conditions as may be deemed fit and proper to be imposed by the learned court below, whereafter the learned court below shall summon the wife and engage both the petitioner and his



wife in mediation proceedings. 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, depending upon the outcome of the mediation proceedings as also upon application of independent mind, without being prejudiced by its earlier order rejecting the prayer of the petitioner for grant of anticipatory bail.

The petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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