

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17214 of 2020

Arising Out of PS. Case No.-820 Year-2019 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. TAUKIR ALAM S/o Md. Mahfuz Alam Resident of Village- Chopra,
P.S.- Baisi, Distt- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Naserun @ Nasera Khatoon W/o Md. Taukir Alam, D/o Md. Najim Hussain Resident of Koltola Baluganj, P.S.- Balrampur, Distt- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-09-2020 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, requiring social distancing.

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

This is an application for grant of anticipatory bail in connection with Complaint Case No. 820 of 2019 registered for the offence punishable under Sections 498A and 323 of the Indian Penal Code.



The case of the informant is that her marriage was solemnized with the petitioner on 14.04.2014 as per Muslim rites and rituals, whereafter she had gone to her matrimonial home, however subsequently, the accused persons including the petitioner herein started torturing and assaulting her on account of non-fulfillment of the demand for dowry and had subsequently ousted her from her matrimonial home.

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 having a clean antecedent. It is further submitted that the petitioner is ready and willing to keep his wife with due honour and dignity.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case dairy, I deem it fit and proper to grant liberty to the



petitioner to surrender before the learned court of ACJM VI, Katihar in connection with Complaint Case No. 820 of 2019, within a period of four weeks from today, whereupon the petitioner shall be admitted to the privilege of provisional bail on the very same day and then the learned court below shall issue notice to the complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes between them.

The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to be petitioner or revoking the same subject to outcome of the mediation proceeding as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition by the learned court below.

In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.

The present petition stands disposed off



on the aforesaid terms.

(Mohit Kumar Shah, J)

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