

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23902 of 2020

Arising Out of PS. Case No.-188 Year-2019 Thana- KEWATI District- Darbhanga

MEHNAZ AHMAD KHAN @ SHAHIL @ MINHAZ KHAN @ RAHIM KHAN S/o Juber Khan @ Juber Ahmad Khan Resident of Village- Saho, P.S.- Biraul, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Noori Balima W/o Mehnaz Ahmad Khan @ Shahil @ Minhaz Khan @ Rahim Khan, D/o Tausif Ahmad Khan Presently residing in village- Lahwar, P.S.- Keoti, Distt- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra
For the State	:	Mr. Ram Sumiran Rai
For the Informant	:	Mr. Iqbal Aasif Nazi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-10-2020 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, the learned counsel for the informant, Mr. Iqbal Asif Niazi and the learned APP for the State, Sri Ram Sumiran Rai.

This is an application for grant of anticipatory bail in connection with Keoti P.S. Case No. 188 of



2019 registered for the offence punishable under Sections 341, 323, 324, 498A, 504, 506 and 34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act.

The marriage of the complainant is stated to have taken place with the petitioner and after some time of the marriage, the accused persons started demanding a sum of Rs. 10,00,000/- by way of dowry, however, on account of non-fulfillment of the same, the accused persons used to pressurize and beat the informant. It has also been alleged that the petitioner had also assaulted the informant.

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 as also the learned counsel appearing for the informant have vehemently opposed the prayer for



bail, however, the learned counsel for the informant has submitted that the informant is not averse to joining the mediation proceedings, if any, with a view to finally settle the matrimonial disputes in question amicably.

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 Additional Chief Judicial Magistrate, VII, Darbhanga in connection with Keoti P.S. Case No. 188 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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