

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23985 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- SAHAR District- Bhojpur

MD. EHSAN ALI @ EHSAAN Son of Md. Ali Resident of Village - Abgila,
P.S.- Sahar, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruksana Parveen Wife of Md. Ehsan D/o Md. Hasim Ansari, Resident of Village - Kosiyar, P.S.- Chauri, District - Bhojpur - 802208

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-10-2020 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 and Shri Bisheshwar Ram, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Sahar P.S. Case No. 03 of 2020 for the offence punishable under Sections 498A/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The allegation is regarding the marriage of the informant having been solemnized with the petitioner on



22.11.2018 and at the time of marriage, several gift items are alleged to have been given to the petitioner and his family members, whereafter the informant had gone to her matrimonial home, however, subsequently she was subjected to cruelty and was assaulted on account of non-fulfilment of the demand of Alto Car by way of dowry and finally the husband had hired a separate house for the informant, but then also she used to be assaulted by her husband.

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 submitted that though the petitioner is an accused in one other case, which has also been filed by his wife but he is on bail in the said case. It is further submitted that the petitioner undertakes to keep his wife with him with due dignity and honour.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory 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 fact that the petitioner is ready and willing to keep his wife with due dignity and honour, I deem it fit and proper to grant liberty to the



petitioner to surrender before the learned court below within a period of four weeks from today, whereupon the petitioner shall be granted the privilege of provisional anticipatory bail on the very same day, subject to such conditions as may be deemed fit and proper to be imposed by the learned court below and then the learned court of C.J.M., Bhojpur in connection with Sahar P.S. Case No. 03 of 2020 shall issue notice to the wife of the petitioner and engage the husband and wife in mediation proceedings with a view to settle the matrimonial disputes amongst them amicably.

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, taking into consideration the outcome of the mediation proceedings as also upon an independent application of mind, without being prejudiced by the dismissal of the anticipatory bail petition of the petitioner herein by the learned court below earlier.

It is also directed that for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein in connection with Sahar P. S. Case No. 03 of 2019, pending before the learned CJM, Bhojpur.



The present petition stands disposed of with the
aforesaid directions.

(Mohit Kumar Shah, J)

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