

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28757 of 2020

Arising Out of PS. Case No.-2901 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. SAJJAD KHAN @ MD. SAJJAD S/o Md. Manjur Khan Resident of
Village- Sipahi Tola Purnea, P.S.- K. Hatt, Distt- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Musrat Begam D/o Late Muslim, W/o Md. Sajjad Khan At present Resident
of Village- Manman, P.S.- Barsoi, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-12-2020

Heard the learned counsel for the petitioner

and Shri Ashok Kumar, the learned APP appearing for the State.

The petitioner apprehends his arrest in
connection with Katihar Complaint Case No. 2901 of 2018 for
the offence punishable under Sections 498(A) of the Indian
Penal Code .

The marriage of the informant is stated to have
been solemnized with the petitioner six years back as per
Muslim rites and rituals, however, subsequently the accused
persons including the petitioner herein started torturing as also
assaulting her on account of non-fulfilment of demand for
dowry and finally on 20.06.2018, the accused persons including



the petitioner herein had assaulted the informant, snatched her jewellery and thrown her out from her matrimonial home along with her daughter.

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 made by the learned counsel for the petitioner and taking into account the fact that the petitioner is ready 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 of Chief Judicial Magistrate, Katihar in connection with Katihar Complaint Case No. 2901 of 2018 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. It is further directed that the learned court below shall then summon the wife of the petitioner, engage the husband and wife in mediation proceedings and shall



make all endeavours 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 confirming the provisional anticipatory bail to be granted to the petitioner or revoking the same, depending on the outcome of the mediation proceedings as also upon an independent application of mind, without being prejudiced by the order passed by the learned court below earlier, rejecting the anticipatory bail petition of the petitioner herein.

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 Katihar Complaint Case No. 2901 of 2018, pending before the learned Chief Judicial Magistrate, Katihar.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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