

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63405 of 2019

Arising Out of PS. Case No.-1702 Year-2018 Thana- COMPLAINT CASE District- Araria

MD. HASNAIN S/O Md. Mustaque Resident of Village- Madhel, P.O.-
Balua, Deorhi, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Kahkashan Naj W/O- Md. Hasnain, D/O Late Abdul Badud Resident of
Village- Kakorawa, P.O.- Dehati, P.S.- Palasi, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 16-06-2020 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 Sri Manoj Kumar, the learned counsel appearing for the complainant.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 1702 C of 2018 registered for the offence punishable under Sections 498(A), 379 of the Indian Penal Code but cognizance has been taken under Sections 498(A) of the Indian Penal Code and Section 4 of the



D.P.Act.

According to the case of the complainant, the complainant is stated to have been married with accused Md. Hasnain i.e. the petitioner herein on 27.4.2014 and after marriage, the complainant is stated to have gone to her sasural and started living her conjugal life as also had given birth two children. Nonetheless, it is alleged that after two years of her marriage, the petitioner along with his family members started subjecting the complainant to cruelty on account of non-fulfillment of the demand for dowry in the shape of cash amount of Rs. 2,00,000/-. Lastly, the clothes and ornaments of the complainant were snatched and she was ousted from her matrimonial home along with her kids.

The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the petitioner is ready to settle the matter with his wife and for that purposes, he is willing to join mediation proceedings.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to dispose of the present case with a direction to the petitioner to appear before



the learned court of S.D.J.M., Araria in connection with Complaint Case No. 1702 C of 2018 within a period of four weeks from today, whereupon the learned court below shall issue notice to the wife of the petitioner and conduct mediation amongst the parties with an endeavour to resolve the matrimonial disputes amongst the parties.

It is further directed that the privilege of anticipatory bail already granted to the petitioner shall continue till the learned court below takes a final call, depending on the outcome of the mediation proceedings.

It is also directed that in case, the petitioner does not appear before the learned court below within a period of four weeks from today, the privilege of provisional anticipatory bail granted by this Court vide order dated 21.10.2019 shall stand revoked and the petitioner shall be liable to be taken into custody forthwith.

It is needless to state that after the mediation proceedings are over, the learned court below shall adjudicate upon the issue of confirmation of the provisional anticipatory bail granted to the petitioner herein by this Court and decide the same either way without being prejudiced by its earlier order as also considering the outcome of the mediation proceedings.



The present petition stands disposed of with the aforesaid
directions.

(Mohit Kumar Shah, J)

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