

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4220 of 2020

Arising Out of PS. Case No.-1420 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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MD. KAISAR IQBAL Son of Md. Ayub Resident of Village - gondapur
(Nawada), P.S.- Nawada, Distt.- Nawada. at present Dobarra Urdu Mohalla,
P.S.- shekhpura (Shekhpura), Distt.- Shekhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nikhat Kalam @ Nikhat Kalim W/o Md. Kaishar Iqbal, D/o Md. Kalim At
present resident of C/o Md. Nasru, Mohalla,- Bagmolu P.S.- Chock, P.O.-
Jhauganj, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-09-2020 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 Ms.
Pronoti Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1420 of 2018 for the offence registered
under Sections 498(A) of the Indian Penal Code and Section 4
of the Dowry Prohibition Act.

The case is regarding the marriage of the complainant



having been solemnized with the petitioner herein on 16.12.2017, during the course whereof several gifts and ornaments as also cash amount was given to the petitioner and her family members. It is further alleged that the complainant was being regularly tortured on account of non-fulfillment of the demand of dowry and in fact the petitioner was also having illicit relationship with her sister-in-law.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case.

Per contra, the learned A.P.P. 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 S.D.J.M., Patna in connection with Complaint Case No. 1420 of 2018 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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