

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40060 of 2020

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Taj Uddin @ Taj Uddin @ Tajuddin, aged about 35 years (M), S/o Sah Anul
@ Sah Enul, R/o village-Jokihat, Fakir Tola, Ward No. 08, P.S. Jokihat,
District-Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanbira D/o Sah Tofique, W/o Taj Uddin, R/o village-Chakai, Ward No.
05, P.S. Jokihat, District-Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Adv.
For the State	:	Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-06-2021 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 the learned A.P.P. for the State, Mr. Rajeev Nayan.

This is an application for grant of anticipatory



bail in connection with Araria Mahila P.S. Case No 05 of 2020 registered for the offence punishable under Section 498(A), 341, 323 and 379/34 of the Indian Penal Code.

The allegation is regarding the petitioner having illicit relationship with his widowed sister-in-law resulting in the petitioner harassing and torturing the informant, who is the wife of the petitioner, on the pretext of non-fulfillment of the demand for dowry.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is ready to keep his wife i.e. the informant of this case with full honour and dignity, hence, a chance be granted for the purposes of resolving the matrimonial disputes by resorting to the mediation process.



Per contra, the learned APP for the State, Mr. Rajeev Nayan, has submitted that in case, the learned court below is directed to mediate in between the husband and the wife, there is a possibility of resolution of the matrimonial disputes amongst them 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 on the record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of S.D.J.M. Araria in connection with Araria P.S. Case No. 05 of 2020, within a period of eight 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 further directed to take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same subject to the final outcome of the mediation proceedings as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition, earlier, by the learned court below.

In the meantime, for a period of eight 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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