

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48482 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- BARARI District- Katihar

MOTIUR RAHMAN Son of Nazrul Haque R/O- Kavaiyadhar, P.S.- Barari
(Semapur), Distt. - Katihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kismo Tara Wife of Motiur Rahman D/O- Akhtar Ali, R/O- Dumaria, P.S.-
Barari (Semapur), Distt. - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar Singh, Advocate
For the State	:	Mr.Binod Kumar, APP
For opposite party No.2	:	Mr.Shivendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-10-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No.2.

The present application was filed on behalf of the petitioner for grant of anticipatory bail on 02.08.2019 and since then the present application is pending. The present application was taken up by a Co-ordinate Bench of this Court and by order dated 05.08.2019 the present application was referred to the Mediation Centre, Patna High Court and provisional anticipatory bail was granted to the petitioner.

It has been submitted on behalf of the petitioner that due to covid-19 pandemic, the Mediation Centre, Patna High Court is not functioning. Hence the present application be heard



on merit.

From the office note dated 18.09.2021, it appears that the mediator's report has not been received as yet.

Considering the fact that the matter has been pending since 2019, the present application is being heard on merit.

Allegation against the petitioner is of committing torture upon the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The case is triable by the Magistrate. The petitioner has relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner by order dated 05.08.2019 is, hereby, confirmed in



connection with Barari P.S. case No.154 of 2019, pending in the court of C.J.M., Katihar.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement. In case, any such application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

(Sudhir Singh, J)

Narendra/-

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