

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25970 of 2022

Arising Out of PS. Case No.-2648 Year-2019 Thana- COMPLAINT CASE District- Araria

Md. Shahbaj Alam @ Shahbaj @ Rounak S/o Md. Shabbir R/o village-
Kharahiya Basti, Ward No. 11, P.S. and District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sahela Praveen @ Munni W/o Md. Shahbaj Alam @ Shahbaj @ Rounak,
D/o Md. Momtaz Husain R/o village- Kharahiya Basti, Ward No. 11, P.S.
and District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 379,
498(A) of the Indian Penal Code and Section 3/4 of Dowry
Prohibition Act but the cognizance has been taken under section
498(A) of the Indian Penal Code.

According to prosecution case, in short is that the
complainant filed a complaint petitioner before learned C.J.M.,



Araria alleging therein that she was married with the petitioner according to Muslim rites and rituals and thereafter she came to her sasural. It is further alleged that after about six months the accused persons started demand of dowry as a cash Rupees one lac, one fridge and one washing machine from the complainant. On non-fulfillment of demand of dowry they assaulted her and ousted her from the matrimonial home.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the complaint petition that there is general and omnibus allegation against the petitioner and the petitioner has never made any demand of dowry from the complainant. He further submits that the petitioner is ready to keep his wife with full honour and dignity and a statement in this regard has already been made in paragraph no.9 of the petition.

Learned counsel for the informant submits that since the matter relates to matrimonial dispute and the informant is ready to explore the possibility of settlement therefore, the matter may be referred to Mediation Centre, Araria.

Learned counsel for the petitioner submits that the petitioner is also ready to explore the possibility of settlement.



In view of the statement of the parties, the parties are directed to appear before the Mediation & Reconciliation Centre, Araria on 10.11.2022. The Mediator will explore the possibility of settlement between the parties and submit its report within a period of one month before the Court below.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail provisionally on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No. 2648C of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

4. It is made clear that the court below shall consider the confirmation of bail bonds on the basis of report of Mediation & Reconciliation Centre.

(Rajesh Kumar Verma, J)

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