

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40796 of 2021

Arising Out of PS. Case No.-338 Year-2019 Thana- CHHAURADANO District- East
Champaran

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NAIMUDDIN MIAN Son of Mohamddin Mian @ Mahamddin Mian
Resident of Village- Raghunathpur, Ward No. 13, P.S.- Chhauradano, District-
East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Fatma Wife of Naimuddin Mian, Daughter of Samsul Mian Resident of
Village- Chhauradano Bazar Ward No. 1, P.S.- Chhauradano, District- East
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chhauradano P.S. Case No. 338 of 2019 for the offence
registered under Sections 341, 323, 379, 307 and 498A of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

Marriage of the petitioner and the informant i.e.
opposite party no. 2 is stated to have been solemnized on
04.04.2014 according to Islam rites and rituals. It is alleged
that after sometime the petitioner and his family members



started demanding dowry from the opposite party no. 2 and her family members, however, on account of non-fulfillment of the demand for dowry the petitioner and other accused persons used to torture the opposite party no. 2 and finally they had kicked her out of the matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 17.02.2021. The learned counsel for the petitioner has submitted that the petitioner is ready and willing to keep his wife i.e. the opposite party no. 2 with due honour and dignity and is also ready to participate in mediation proceedings before the Ld. Court below, in order to resolve the matrimonial disputes amicably.

Per contra, Shri Avinash, the learned counsel for the opposite party no. 2 i.e. the informant has got no objection in case the matter is referred for mediation. It is also submitted that the O.P. No. 2 would definitely participate in the mediation proceedings and make endeavours to resolve the matrimonial dispute 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 record, I deem it fit and proper to grant provisional bail to the petitioner herein, subject to such conditions, as may be deemed fit and proper to be imposed by the Ld. Court of S.D.J.M., Raxaul at Motihari, East Champaran in connection with Chhauradano P.S. Case No. 338 of 2019.

It is further directed that the learned court below shall then engage the informant-wife and the petitioner in mediation proceedings, with a view to settle the matrimonial disputes between them.

It is needless to state that the learned court below shall 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 earlier dismissal of his bail petition by the learned court below.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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