

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40287 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- MAINATAND District- West Champaran

NOOR SALIM @ MD. NOOR SALIM S/o Samrul Hoda @ Samsul Hoda
Resident of Village - Bastha, P.S. Mainatand, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. PHULTARA KHATOON W/o Noor Salim @ Md. Noor Salim, D/O Hajrat Ali @ Sheikh Hajrat Resident of Village - Bastha, P.S. Mainatand, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Mainatand PS case no. 91 of 2020 instituted for the offence punishable under Sections 323, 504, 498A of Indian Penal Code and 3/4 of D.P. Act.

The informant i.e. the opposite party no. 2 is stated to have solemnized marriage with the petitioner as per Muslim rites and customs in the year 2020. It is alleged by the informant that after sometime, the accused persons including the petitioner i.e. the husband of the informant had started making demands for a motorcycle and a sum of Rs. 2 lacs but when the



father of the informant was unable to fulfill the said demand for dowry, the accused persons including the petitioner had assaulted the informant and ousted her from her matrimonial house.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is ready to keep his wife with due honour and dignity and is also ready to participate in the mediation proceedings before the learned court below.

Per contra, the learned APP 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 fact that the petitioner is ready and willing to keep his wife with due honour and dignity, I deem it fit and appropriate to grant provisional bail to the petitioner herein subject to such conditions, as may be deemed fit and proper to be imposed by the learned court of S.D.J.M., Bettiah, West Champaran in connection with Mainatand PS case no. 91 of 2020.



It is further directed that the learned court below shall then issue notice to the informant-wife and engage both the petitioner and his wife in mediation proceedings with a view to settle the matrimonial disputes amongst them. It is needless to state that the learned court below shall take a final call with regard to either revoking the provisional bail to be granted to the petitioner herein or confirming the same, depending upon the final outcome of the mediation proceedings as also considering the merits of the case and without being prejudiced by the earlier rejection of the bail petition of the petitioner by the learned court below.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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