

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42811 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- MAHILA P.S. District- Banka

MASOOK ANSARI Son of Liyakat Ansari Resident of Village - Dhumani,
P.S. - Katoriya, District - Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Anant Kumar I, APP
For the Informant	:	Mr. Farooque Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Anant Kumar, learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular
bail in connection with Banka (Mahila) P.S. Case No. 17 of
2020 registered for the offences under Sections 498-A/34 of
the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act.

Earlier on 16.02.2022, this Court, while directing
release of the petitioner on provisional bail, passed the
following order:-

“Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter
within four weeks after start of normal functioning of the
Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.



The petitioner in the present case is a young boy around 19 years of age who is seeking regular bail in connection with Banka (Mahila) P.S. Case No. 17 of 2020 registered for the offences punishable under Sections 498(A)/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act. He has got no criminal antecedent and has remained in custody in connection with this case since 12.03.2021.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He disputes his marriage with the informant.

On the other hand, Mr. Brij Nandan Prasad, learned counsel for the informant submits that the petitioner is committing cruelty upon the informant by not keeping her with him in the matrimonial home. It is submitted that they have got a female baby out of the wedlock and the informant is looking to live with the petitioner along with her little baby and she is willing to amicably resolve the dispute.

Considering the nature of the dispute between the parties, this Court deems it just and proper to direct the release of the petitioner on provisional bail for a period of three months from the date of his release to enable him to participate in the mediation with the informant and make efforts to amicably resolve the disputes.

Let the petitioner above named be released on **provisional bail for a period of three months from the date of his release** on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Banka in connection with Banka (Mahilla) P.S. Case No. 17 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

Since both the parties are residing in the village falling under Banka District, this Court directs that the Mediation Centre attached to the Family Court at Banka shall initiate a mediation proceeding between the parties after giving notice to both of them, calling upon them to participate in the mediation proceeding and all endeavours will be made to resolve the disputes between the parties.

Let a report in this regard be submitted by the Mediation Centre within two months from the date of communication of this order.



List this case on 13.05.2022 at the top of the list.
Let this order be communicated to the learned District
and Sessions Judge, Banka.”

Today, learned counsel for the petitioner and learned counsel for the informant have informed this Court that the mediation has failed. The petitioner is not ready to keep his wife and the female baby with him but learned counsel for the petitioner has made a statement at the bar after seeking time in the first half of the court hour that the petitioner in order to show his bonafides is willing to pay a sum of Rs. 6,000/- (Rupees Six Thousand) per month for the present subject to any order of the competent court of law as regards maintenance of the informant and the female baby.

Learned counsel submits that the petitioner shall deposit a sum of Rs. 6,000/- (Rupees Six Thousand) per month for the present within first seven days of every month.

Learned counsel for the informant submits that though the informant and the female baby are looking for living with the petitioner but at this stage when the petitioner is adamant and is not willing to keep them,



considering that the petitioner is coming with a proposal to pay a sum of Rs. 6,000/- (Rupees Six Thousand) per month to meet the day to day expenses of the informant and the female baby and the informant is in need of that, she would not oppose this application.

Learned counsel for the informant submits that the concession given to the petitioner is subject to the condition that he would abide by his promise made before this Court, failing which it will be open for the informant to file an application for cancellation of bail bond of the petitioner.

Having regard to the submissions noted hereinabove and the amicable resolution which has been offered at this stage, this Court confirms the provisional bail granted to the petitioner vide order 16.02.2022.

Further condition that in terms of his own offer he will pay a sum of Rs. 6,000/- (Rupees Six Thousand) per month to the informant and her female baby and such payment shall be made within first seven days of every month continuously and subject to the order, if any, which may be passed by a competent court in an appropriate proceeding.



In case of failure of the petitioner to abide by this condition, it will be open for the informant to file an application for cancellation of bail bond of the petitioner in the learned court below itself which will be considered expeditiously and appropriate order shall be passed thereon by the learned court below within a reasonable time.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

