

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.62911 of 2021**

Arising Out of PS. Case No.-495 Year-2021 Thana- SITAMARHI District- Sitamarhi

MD. NASIR ALI @ NASIR BAITHA @ MD. NASIR ANSARI Son of Md.  
Jabbar Baitha @ Jabbar Safi Resident of Village- Bhasar Machhatta, Ward  
No.2, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Raj Kishore Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

2      04-04-2022      Heard the learned counsel for the petitioner  
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sitamarhi P.S. Case No. 495/2021, registered for the offence punishable under Sections 341/ 323/ 504/ 498(A)/34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

The allegation is regarding the marriage of the informant being solemnized with the petitioner on 21.10.2019 as per Mulim Rites and Rituals. It is further alleged that subsequently, the accused persons including the petitioner herein started



pressurising the informant to bring a sum of Rs. 2, 00,000/- as dowry from her father, however, she refused resulting in the accused persons torturing her physically and mentally. It is also alleged that on 15.6.2021, the accused persons had assaulted her and thrown her out of her matrimonial home after snatching her jewellery. Lastly, it is alleged that the petitioner is stated to have performed second marriage.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 13.7.2021. The learned counsel for the petitioner has referred to paragraph no. 11 of the present petition to submit that the petitioner is ready and willing to keep the informant with full dignity and honour. It is also submitted that the petitioner is ready and willing to participate in any mediation proceedings to be conducted by the learned court below, hence, he be granted the privilege of provisional bail so



that the matrimonial dispute can be settled amicably.

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 as also considering the materials available on record, I deem it fit and proper to relegate the petitioner and the informant to the process of mediation to be conducted by the learned court of Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S.Case No. 495 of 2021, with a view to amicably settle the matrimonial disputes in between the parties and for the said purpose, I deem it fit and proper to grant provisional bail to the petitioner on such terms and conditions as may be deemed fit and proper to be imposed by the learned learned court of Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S.Case No. 495 of 2021, however, subject to the final outcome of the mediation proceedings to be held by the learned



court below. It is further clarified that the learned court below shall not only take into account the final outcome of the mediation proceedings to be conducted by it but shall also consider the merits of the case without being prejudiced by its earlier order for the purposes of either making the provisional bail absolute or cancelling the provisional bail to be granted to the petitioner. It is needless to state that the Ld. Court below shall secure the attendance of the parties and conclude the mediation proceedings, preferably within a period of six months of grant of provisional bail to the petitioner.

The present petition stands disposed off on the aforesaid terms.

**(Mohit Kumar Shah, J)**

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