

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4271 of 2023

Arising Out of PS. Case No.-251 Year-2022 Thana- BAHADURPUR District- Patna

SHARIQUE ASIR S/o Mohammad Asruddin @ Asiuddin R/o- New
Azimabad Coloney, Sector- D, Near Faran Masjid, P.S.- Bahadurpur, Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. FARHA NAAZ D/o Md. Rahman Hashmi R/o- Dargah Road, Neemtal, P.S.-
Sultanganj, District- Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Srivastava, Sr.Advocate Mr.Apurv Harsh, Advocate Mr.Manu Tripurari, Advocate Ms.Mahima Sharma, Advocate Mr.Sujit Kumar, Advocate Mr.Prashant Bhardwaj, Advocate For the Opposite Party/s :
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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned senior counsel for
the petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bahadurpur P.S. Case No.251 of 2022, registered for the offence punishable under Sections 498(A), 323, 341, 504 and 34 of the Indian Penal Code.

The marriage of the petitioner is stated to have solemnized with the informant on 04.02.2021, as per muslim rites and customs,



whereafter the informant is stated to have gone to her matrimonial home, however, subsequently a demand of a sum of Rs.5,00,000/- and a four-wheeler vehicle was made by the petitioner and his family members and on account of non-fulfilment of the same, the informant was harassed and tortured as also thrown out of her matrimonial home.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned senior counsel for the petitioner has further submitted that the petitioner is ready and willing to participate in mediation proceedings, if any, to be initiated by the learned trial Court for the purposes of amicably settling the matrimonial dispute in question.

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 materials available on record I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of A.C.J.M.-2, Patna City in connection with Bahadurpur P.S. Case No.251 of 2022, within a period of four weeks from today, whereupon the petitioner shall be admitted to the privilege of provisional bail on the very same day and then the learned court below shall issue notice to the complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes between them.

The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to be petitioner or revoking the same subject to outcome of the mediation proceeding as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition by the learned court below.

In the meantime, for a period of four



weeks from today, no coercive steps shall be taken against the petitioner herein.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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