

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4247 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- BALTHAR District- West Champaran

1. SALIM MIYAN @ CHHEDI MIYAN S/O GAMA MIYAN R/v- Dhankutwa, P.S.- Balthar, District- West Champaran
2. GAMA MIYAN S/o Late Khodarakh Miyan R/v- Dhankutwa, P.S.- Balthar, District- West Champaran
3. HADISHAN KHATOON W/o Gama Miyan R/v- Dhankutwa, P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. RABINA KHATOON W/o Salim Miyan D/o Fulsharif Miyan R/v- Awaraiya, Barai Tola, P.S.- Bettiah Muffasil (Banuchhapar), District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioners and
the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Balthar PS Case No. 95 of 2022, registered for the offence punishable under Section 498(A) and other allied sections of the Indian Penal Code.

The allegation is regarding the marriage of the petitioner no. 1 having been solemnized with the informant in the year 2017, during the course whereof, several gifts, ornaments, furnitures etc. were given to the accused persons



including the petitioners herein and then the informant had gone to her matrimonial home, however, subsequently, the petitioners started demanding a sum of Rs. 50,000/- by way of dowry and on account of non-fulfilment of the same, the informant was tortured and finally, she was ousted from her matrimonial home.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is ready and willing to keep his wife with due honour and dignity and is also ready to engage in mediation proceedings, in case, the same is initiated by the learned trial court for amicable settlement of the matrimonial dispute in question. It is also submitted that as far as petitioners no. 2 and 3 are concerned, who are father-in-law and mother-in-law of the informant, they have got no role to play in the present case, inasmuch they are staying separately from the petitioner no. 1 and his wife.

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 petitioners and taking into account the averments made by the learned counsel for the petitioners to the effect that petitioners no. 2 and 3, who are father-in-law and mother-in-law of the informant, are staying separately and have got no role to play in the alleged occurrence, I deem it fit and appropriate to admit the petitioners no. 2 and 3 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 2 and 3, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran in connection with Balthar PS case no. 95 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

As far as petitioner no. 1 is concerned, he is granted liberty to surrender before the learned court of Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran in connection with Balthar PS case no. 95 of 2022, within a period of four weeks from today, whereupon the petitioner no. 1 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 no. 1 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 the petitioner no.1 or revoking the same, subject to outcome of the mediation proceeding as also considering the case of the petitioner no. 1 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 no. 1 herein.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

