

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4191 of 2023

Arising Out of PS. Case No.-2734 Year-2019 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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MD. TAJUDDIN @ MD. TAJ HUSSAIN Son of Md. Yakub Ansari Resident
of Village- Chakfatullah, P.S.- Goraul in the District of Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Khatoon D/O Md. Yasin Resident of Village- Chakful, P.S.-
Bidupur, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh, APP
For O.P. no. 2	:	Mr. Hemant Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Hajipur, Vaishali Complaint Case No. 2734 of
2019, registered for the offence punishable under Sections
498(A), 323, 341, 504 of the Indian Penal Code.

The marriage of the petitioner is stated to have
been solemnized with the complainant in the year 2014,
whereafter two children are stated to have been born out of the
said wedlock, however, subsequently, some matrimonial dispute
had arisen in between the petitioner and the complainant since
the petitioner and his family members were demanding dowry.



It is further alleged that on account of non-fulfilment of the demand for dowry, the petitioner and his family members used to torture the complainant and thereafter, they had ousted her from her matrimonial home.

The learned 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 counsel for the petitioner has further submitted that the petitioner is ready and willing to keep his wife with due honour and dignity and is also ready to engage in mediation process, in case, the same is initiated by the learned trial court for 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 in the case dairy, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of A.C.J.M.-1st, Vaishali at Hajipur in connection with Complaint Case No. 2734 of 2019, 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 the 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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