

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9861 of 2023

Arising Out of PS. Case No.-100 Year-2020 Thana- MAHILA P.S. District- Araria

MD. SALAUDDIN Son of Sarfuddin R/v- Farasut, P.S.- Bairgachhi O.P.
District- Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shamina Khatun W/o Samid R/v- Dolbajja, P.S.- Forbesganj, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 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 Araria Mahila P.S. Case No.100 of 2020,
registered for the offence punishable under Sections 341, 323,
498A, 494 and 34 of the IPC.

The marriage of the petitioner is stated to have
been solemnized with the daughter of the informant about ten
years back, whereafter out of the said wedlock three children
were born, however, subsequently, it is alleged that the
petitioner had solemnized marriage with a minor girl, resulting
in matrimonial dispute having arisen in between the parties,
whereafter the daughter of the informant had left her



matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted by referring to the paragraph no.11 of the present petition that the petitioner is ready and willing to keep his wife with due honour and dignity.

Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioner and his wife i.e. the informant to the mediation process so that the matrimonial dispute in question can be settled amicably.

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 S.D.J.M., Araria in connection with Araria Mahila P.S. Case No.100 of 2020, 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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