

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17700 of 2023

Arising Out of PS. Case No.-564 Year-2020 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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MD. FAIYAZ KHAN @ FAIYAZ KHAN SON OF MD. KALIM KHAN
RESIDENT OF VILLAGE- HARNATH, PS- SHAHKUND, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Nirali, d/o Md. Parvej, w/o Md. Faiyaz Khan, r/o mohalla-Jain Mandir
Road, Kabirpur, PO-Nath Nagar, PS- Lalmatia (Nath Nagar), District-
Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arvind Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 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 Complaint Case No. 564 of 2020, registered for
the offence punishable under Section 498(A) and other allied
sections of the Indian Penal Code.

The marriage of the petitioner is stated to have been
solemnized with the complainant on 27.07.2011, whereafter the
complainant had gone to her matrimonial home and out of the
said wedlock, two children were born, however, subsequently,
the accused persons including the petitioner herein started
torturing and assaulting the complainant and finally, she was



ousted 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 is having a clean antecedent. It is 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 proceeding, 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 Judicial Magistrate 1st class, Bhagalpur in connection with Complaint Case No. 564 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 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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