

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40765 of 2023

Arising Out of PS. Case No.-2166 Year-2022 Thana-COMPLAINT CASE District- Purnia

Md Naseem @ Naseem Son of Md. Intaz Ali Resident of village - Begumpur,
P.S. - K. Nagar, Distt. - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Minara Khatoon D/o Abdul Haque, Wife of Md Naseem @ Naseem
Resident of village - Telaniya Rahika Barsauni, P.S. - Dagrua, Distt. - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 1. Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with Complaint Case No.2166 of 2022,
registered for the offence punishable under Section
498A of the Indian Penal Code.
3. The case of the complainant, in brief, is
that her marriage was solemnized with the
petitioner on 28.08.2021, as per Muslim customs,
whereafter she had gone to her matrimonial home,
and subsequently a child was born out of the said



wedlock but thereafter some altercation had taken place leading to the complainant being ousted from her matrimonial home.

4. 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, by referring to paragraph no.9 of the present petition, that the petitioner is ready and willing to keep his wife i.e. the opposite party no. 2-complainant with due honour and dignity and he is also ready to participate in mediation proceedings, if any, to be initiated by the Ld. Court below, in order to resolve the matrimonial disputes amicably.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to direct the



petitioner to surrender before the learned court of Chief Judicial Magistrate, Purnea, in connection with Complaint Case No. 2166 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 amicably.

7. 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 bail petition by the learned court below.

8. In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.



9. The present petition stands disposed off
on the aforesaid terms.

(Mohit Kumar Shah, J)

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