IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42236 of 2023

Arising Out of PS. Case No.-1980 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE District- Samastipur

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Md. Islam Son of Md. Khalil Resident of village - Korbadha Pataili, P.S. - Ujiyarpur, Distt. - Samastipur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Shahani Khatoon Wife of Md. Islam Resident of village - Pataili, Tole Korbadha, P.S. - Ujiyarpur, Distt. - Samastipur. At present Shahani Khatoon D/o Abdul Nadaf, Resident of village - Choti Bejha, P.S. - Muffasil, Distt. - Samastipur, mob no. 9801828901

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.
For the State : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 02-08-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner happens to be the husband of the opposite party no. 2, who apprehends his arrest in connection with Complaint Case No. 1980 of 2018 giving rise to T.R. No. 2036 of 2022 wherein cognizance has been taken under Sections 498(A)/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

3. It is alleged that the marriage of the opposite party no. 2 was solemnised with the petitioner as per Muslim rites in

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the year 2008, however, soon after the marriage she was subjected to demand of dowry and on account of nun-fulfillment of the same, she was harassed and tortured in various ways and finally she was ousted from the matrimonial home. It is also alleged that this petitioner has solemnized second marriage with one Sajada Khatoon.

4. Submission has been made on behalf of the petitioner that so far the allegation of demand of dowry is concerned, it is palpably incorrect as the marriage was solemnized way back in the year 2008 and after such a long period, the demand of dowry appears to be quite doubtful. He further submits that the petitioner is a Muslim by religion and under his Personal Law, he solemnized the second marriage, however, still he is ready to keep the complainant with him with full honour and dignity as stated in paragraph no. 8 of the application.

5. On the other hand, learned counsel for the State submits that there is still a chance of amicable settlement of the dispute and the Court may refer the matter to the Court below for mediation.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation,

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coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Samastipur in connection with Complaint Case No. 1980 of 2018, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

7. Considering the nature of allegation and the materials available on record, this Court further directs that after release of the petitioner, the Court below shall refer the matter to the District Mediation Centre for amicable settlement of the dispute between the husband and wife, which would be preferably completed within a period of three months. In case, any settlement would not arrive, the learned jurisdictional Court shall proceed further in the matter.

(Harish Kumar, J)

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