

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42238 of 2023

Arising Out of PS. Case No.-1662 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Md Shahid Son Of Md. Rahman @ Rahman Miyan Resident Of Village-
Mobarkapur, Ps- Kanti, Distt- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon Wife Of Md. Shahid Resident Of Village- Sherpur, Post-
Kabilpur, Ps- Kanti, Distt- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.
For the State : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2023 Heard Mr. Raju Kumar, learned counsel appearing on

behalf of the petitioner and learned Additional Public Prosecutor

for the State.

2. The petitioner, who happens to be the husband of
the opposite party no. 2, apprehends his arrest in connection
with Complaint Case No. 1662 of 2018 wherein cognizance has
been taken under Section 498(A) of the Indian Penal Code and
3/4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the opposite party no. 2
was solemnised with the petitioner on 01.09.2014, however,
soon after the marriage she was subjected to demand of dowry
and on account of its non-fulfillment, she was tortured and



harassed in various means. On account of such harassment, she was compelled to leave the matrimonial home.

4. Learned counsel appearing on behalf of the petitioner submits that the opposite party no. 2 is not the legally wedded wife of the petitioner and in fact the mother of the petitioner had earlier filed a complaint case which was sent to the concerned police station and consequently it was registered as Kanti P.S. Case No. 129 of 2019 under Sections 363, 366, 367, 379, 302, 120(B)/34 of the Indian Penal Code. He next submits that the petitioner bears clean antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that prior to the institution of this case, a complaint case had already been filed by the mother 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., West, Muzaffapur in connection with Complaint Case



No. 1662 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 parties, 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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