

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42164 of 2023

Arising Out of PS. Case No.-843 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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MD. BARIK SON OF MD. HASIBUR RAHMAN RESIDENT OF
VILLAGE- KHARI ALHANDA, PS- BALIA BELON, DISTT- KATIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAFAK FATMA WIFE OF MD. BARIK DAUGHTER OF MD. SAFIK
RESIDENT OF VILLAGE- BANIYA TOLI, PS- BALIA BELON, DISTT-
KATIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

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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.843 of 2021,
registered for the offences punishable under
Section 498(A) of the Indian Penal Code and
Section 4 of the Dowry Prohibition Act.
3. The case of the complainant, in brief is
that, her marriage was solemnized with the
petitioner in the year, 2021 as per Muslim rites and
customs, whereafter the complainant is stated to
have gone to her matrimonial home, however,



subsequently, the accused persons, including the petitioner herein started demanding a sum of Rs.3,00,000/- by way of dowry and on account of non-fulfillment of the demand for dowry, she was harassed mentally and physically and then 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.13, 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 for the said purposes, he is also ready to participate in mediation proceedings, if any, to be initiated by the learned 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 S.D.J.M., Katihar, in connection with Complaint Case No.843 of 2021, 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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