

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48317 of 2023

Arising Out of PS. Case No.-942 Year-2022 Thana- COMPLAINT CASE District- Araria

MD. ZULFIKAAR son of Md. Zubair Alam Village- Belwa Tapu Tola Ward
no-6, Ps- Araria Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asmati wife of Md. Zulfikaar, D/o- Late Md. Hanif Village- Belwa Tapu
Tola Ward no-6, Ps- Araria Dist- Araria P/A- Baunci Ps- Baunci Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushlendra, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 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. 942 of 2022,
registered for the offences punishable under
Section 498A of the Indian Penal Code.
3. The allegation is regarding the marriage
of the petitioner having been solemnized with the
complainant on 06.01.2021 as per Muslim rites and
rituals, whereafter the complainant is stated to
have gone to her matrimonial home, however,
after some time the accused persons including the



petitioner herein started torturing her physically and mentally on account of non-fulfillment of the demand of a motorcycle and cash amount, whereafter they had assaulted her and kicked her out of 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 Judicial Magistrate-1st Class-cum-Additional Munsif-3rd, Araria, in connection with Complaint Case No. 942 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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