

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49021 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAHILA PS District- Gopalganj

DANISH EQBAL @ DANISH EKBAL S/O Saheb Hussain R/O Village/At-
Rajendra Nagar, Ward No. 22, Teachers Colony, P.S- Gopalganj, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Jahan W/O Danish Eqbal, D/O Late- Aafat Hussain R/O Village-
Bedu Tola, P.S- Thawe, Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Javed Aslam, Adv.
For the Opposite Party/s	:	MsAsha Kumari, APP
For the Informant	:	Mr. Amir Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-08-2023 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel appearing

for the informant.

2. This is an application for grant of anticipatory bail in

connection with Gopalganj Mahila P.S. Case No. 13/2023,

registered for the offence punishable under Sections 341, 323,

498(A), 406, 504, 506/34 of the Indian Penal Code and Section

Section 3 /4 of the Dowry Prohibition Act.

3. The case of the informant, in brief, is that her marriage

was solemnized with the petitioner on 21.3.2022, as per the

Muslim Rites and Rituals, whereafter she had gone to her

matrimonial home, however, subsequently, the accused persons



including the petitioner herein started demanding dowry and on account of non-fulfillment of the same, the informant was tortured and ousted from her matrimonial home and after seven months, she had given birth to a female child.

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 submitted, by referring to paragraph no. 10 of the present petition, that the petitioner is ready to settle the matrimonial dispute in question once and for all with the informant and in case, the matter is relegated to the mediation process, to be conducted by the learned Trial Court, he has got no objection.

5. *Per contra*, the learned A.P.P. for the State and the learned counsel appearing for the informant have though opposed the prayer of the petitioner for grant of anticipatory bail, but are not opposed to the idea of the parties, being relegated to the mediation process, to be conducted by the learned Trial Court.

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 SDJM, Gopalganj, in



connection with Gopalganj Mahila P.S. Case No. 13/2023, 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 informant-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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