

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48404 of 2023

Arising Out of PS. Case No.-177 Year-2020 Thana- AMDABAD District- Katihar

MD. NASIM SON OF NIRJAT ALI @ MD. NIRJAT ALI RESIDENT OF
CHHARKA TOLA (BAIDA), P.S. - AMDABAD, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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.

2. The petitioner apprehends his arrest in connection with
Amdabad P.S. Case No. 177 of 2020, registered for the offences
punishable under Section 498A, 341, 323, 504 and 506/34 of the
Indian Penal Code.

3. The case of the informant, in brief, is that her marriage
was solemnized with the petitioner about 14 years ago, as per
Muslim rites and rituals, whereafter the informant had gone to
her matrimonial home, however, subsequently, the accused
persons including the petitioner herein started demanding a sum
of Rs. 5,00,000/- by way of dowry and on account of non-
fulfillment of the same, the informant was 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. 15 of the present petition, that the petitioner is ready and willing to keep his wife i.e. the informant 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 C.J.M., Katihar, in connection with Amdabad P.S.Case No. 177 of 2020, 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)

Ajay/-

U		T	
---	--	---	--

