

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53659 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- RAJEPUR District- East Champaran

Shahrukh Khan S/O Akbar Khan R/O Village- Semarha, P.S- Rajepur, Distt.-
East Champran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandani Khatam W/O Shahrukh Khan, D/O Md. Mojahir Khan R/O Village- Semarha, P.S- Rajepur, Distt.- East Champran, Motihari.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Ashish, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 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 Rajepur P.S. Case No.54 of 2023, registered for the offences punishable under Section 498A/34 of the Indian Penal Code and Sections ³/₄ of the Dowry Prohibition Act.
3. The allegation is regarding the marriage of the informant being solemnized with the petitioner on 03.06.2021, as per Muslim rites and customs whereafter, the informant had gone to her matrimonial home, however, after sometime, the accused persons,



including the petitioner herein, who is the husband of the informant, started demanding a sum of Rs.5 lakh and a motorcycle and on account of non-fulfillment of the said demand for dowry, the informant was harassed, tortured and ousted 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.13 of the present petition, that the petitioner is ready and willing to keep his wife i.e. the opposite party no. 2-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 Additional Sessions Judge-XIIth, East Champaran, Motihari, in connection with Rajepur P.S. Case No.54 of 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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