

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53362 of 2023

Arising Out of PS. Case No.-648 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

SAIDUR RAHMAN @ SADUR RAHMAN SON OF SHER MOHAMMAD
@ MD. SHERU @ SHERU RESIDENT OF VILLAGE- RAMPUR
BARSONI P S- DAGARUA DISTICT- PURNEA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAJEEMA KHATOON @ TAJMA PRAVEEN WIFE OF SAIDUR
RAHMAN RESIDENT OF VILLAGE- SEHGALPUR, PS- KADWA,
DISTT- KATIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Rahmatullah, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, 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 Complaint Case No. 648 of 2022,
registered for the offences punishable under
Sections 323, 341, 354B, 406, 498-A, 504 and
506/34 of the Indian Penal Code.
3. The case of the complainant, in brief, is
that her marriage was solemnized with the
petitioner in the year 2020 as per Muslim rites and
customs, whereafter she had gone to her



matrimonial home, however, subsequently a sum of Rs. 5,00,000/- was demanded by way of dowry and on account of non-fulfillment of the same, the complainant was tortured, harassed and then finally 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 that the petitioner is ready and willing to keep his wife i.e. the complainant with due honour and dignity and he is also ready to participate in mediation proceedings, if any, to be initiated by the Ld. Trial Court, 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. 648 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, earlier 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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