

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54024 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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MD. JAFAR IMAM @ MD. JAFAR IMAM MANSURI S/O LATE ASLAM
RESIDENT OF VILLAGE- SRINAGAR, P.S.- ISHIPUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHABNAM PRAVEEN W/O MD. JAFAR IMAM D/O HAIDAR ALI
RESIDENT OF VILLAGE- BARAHAT, ISHIPUR, P.O. AND P.S.-
ISHIPUR, DISTRICT- BHAGALPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.
2. This is an application for grant of anticipatory bail
in connection with Complaint Case No. 236/ 2022, registered
for the offence punishable under Sections 323, 498(A), 504/34
of the Indian Penal Code and Sections 3/4 of Dowry Prohibition
Act.
3. The marriage of the complainant is stated to have
been solemnized with the petitioner on 28.07.2021 as per
Muslim rites and customs, whereafter the complainant had gone
to her matrimonial home, however, subsequently, a sum of Rs. 2



lacs was demanded by way of dowry and on account of non-fulfillment of the same, the petitioner was ousted her 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 is having a clean antecedent. The learned counsel for the petitioner has referred to paragraph no. 9 of the present petition to submit that the petitioner is ready and willing to keep his wife with due honour and dignity and further, 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 APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case dairy, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of S.D.J.M., Bhagalpur in connection with Complaint Case No. 236 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.

7. The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to be 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 anticipatory 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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