

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53633 of 2023

Arising Out of PS. Case No.-1788 Year-2022 Thana- COMPLAINT CASE District- Araria

Md Mehtab Alam @ Mahtab Son Of Md. Najiruddin @ Najir Resident Of
Village- Rampur Mohanpur West, Ward No. 7, Ps- Araria, Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Rabiya Khatoon Wife Of Md. Mehtab Alam @ Mahtab Resident Of Village- Rampur Mohanpur, Ward No. 7, Ps- Araria (BAIRGACHHI Op), Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, 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.1788 of 2022,
in which cognizance has been taken under Section
498A of the Indian Penal Code.

3. The case of the complainant, in brief, is
that her marriage was solemnized with the
petitioner about 20 years back as per Muslims rites
and customs, whereafter she had gone to her
matrimonial home and out of the said wedlock,
four children were born during the interregnum



period, but thereafter, the accused persons, including the petitioner herein, started torturing the complainant on account of non-fulfillment of demand for a motorcycle and ultimately, ousted her along with her children 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.10 of the present petition, that the petitioner is ready and willing to keep his wife i.e. the opposite party no. 2-complainant 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 Judicial Magistrate, 1st Class-cum-A. M. Illrd, Araria, in connection with Complaint Case No.1788 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 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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