

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53410 of 2023

Arising Out of PS. Case No.-872 Year-2021 Thana- COMPLAINT CASE District- Araria

MD. MASUM @ MD. MASUM KHAN @ MO MASUM KHAN SON OF
MO AMIL KHA @ MD. AMIL KHANA RESIDENT OF VILLAGE - GARI
TOLA, WARD NO. 11, DAKRIPUR, POLICE STATION - SIMRAHA
(FORBESGANJ), DISTRICT - ARARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. TAMANNA KHATOON WIFE OF MO. MASUM KHAN, DAUGHTER
OF MD. KALAM RESIDENT OF VILLAGE-ARRAHA, POLICE
STATION - FORBESGANJ, DISTRICT- ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, 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 Criminal Complaint No. 872 of
2021, registered for the offences punishable under
Sections 498-A/34 of the Indian Penal Code.
3. The allegation, according to the
complainant, is that her marriage was solemnized
with the petitioner on 15.06.2015 as per Muslim
rites and customs, whereafter she had gone to her
matrimonial home, however, subsequently she was



tortured on account of non-fulfillment of the demand of a sum of Rs. 2,00,000/- and a buffalo, by way of dowry and finally when she was not able to fulfill the demand for dowry, the complainant 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 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 Chief Judicial Magistrate, Araria, Araria in connection with Criminal Complaint No. 872 of 2021, 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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