

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56155 of 2022

Arising Out of PS. Case No.-1098 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

MD.AZAD ANSARI SON OF MD. KASIM ANSARI Resident of Village-
Majhadi, P.S.- Mohania, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The state of BIHAR
2. FARHANA KHATOON WIFE OF MD. AZAD ANSARI, D/O NIYAZ ANSARI Resident of Village- Majhadi, P.S.- Mohania, District- Kaimur at present Village- Ledari, P.S.- Chand, District- Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 22-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 1098 of 12021, registered for the offence punishable under Section 498(A) of the Indian Penal Code.

The marriage of the petitioner is stated to have been solemnized with the complainant in the year, 2018, as per Hindu rites and rituals, whereafter she had gone to her matrimonial home, however, subsequently, the accused persons started demanding motorcycle and cash amount and on account of non-fulfillment of the same, the complainant was ousted from her matrimonial home.



The learned counsel for the petitioner submits 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 with due honour and dignity and is also willing to participate in any mediation proceedings to be initiated by the learned court below with a view to amicably settling the matrimonial dispute in question.

Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioner and his wife i.e. the informant to the mediation process so that the matrimonial dispute in question can be settled amicably.

Having regard to the facts and circumstances of the case and 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 C.J.M, Kaimur at Bhabua in connection with Complaint Case No. 1098 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 informant-wife and hold mediation proceeding in between the petitioner and his wife with a view to



settle the matrimonial disputes in between them amicably.

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 anticipatory bail petition by the learned court below.

In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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