

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66210 of 2022

Arising Out of PS. Case No.-392 Year-2022 Thana- GAYA KOTWALI District- Gaya

SHAHZADA ZEYA RABBANI Son of Late Dr. Gulam Rabbani @ Late
Gulab Rabbani R/o Mohalla- Moriya Ghat, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. FARHA YASMIN W/o Shaukat Ali R/o Moriya Ghat, P.S.- Kotwali,
District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok Mr. Sudhir Kumar Sinha Mr. Ajay Kumar Sinha
For the Opposite Party/s	:	Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-05-2023 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 Kotwali P.S. Case No. 392 of 2022 registered for the offence punishable under Sections 341, 323, 498A/34 of the Indian Penal Code and Section 3/ 4 of the D.P. Act.

The case of the prosecution, in brief, is that the marriage of the informant was solemnized with the petitioner on 4.3.2022 as per Muslim Rites and Customs, whereafter the informant had gone to her matrimonial home, however, subsequently, the accused persons including the petitioner herein started demanding dowry and on account of non-fulfillment of the



same, the accused persons including the petitioner herein used to harass and abuse the informant, whereafter she was ousted from her matrimonial home. It is also alleged that the petitioner has solemnized three marriages, apart from the present one.

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 he is also ready to participate in any mediation proceedings to be initiated by the learned Trial Court for the purposes of amicably resolving the matrimonial dispute in question.

Per contra, the learned APP for the State as also the learned counsel for the informant have though vehemently opposed the prayer for grant of anticipatory bail, however, they do not have any objection in case the parties are relegated to the mediation process.

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 Chief Judicial



Magistrate, Gaya, in connection with Kotwali P.S.Case No.392 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 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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