

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71975 of 2022

Arising Out of PS. Case No.-102 Year-2020 Thana- MAHILA P.S. District- Araria

MD. SIRAJ Son of Late Afak @ Afak Alam R/o village - Sohagpur, Ward
No.- 12, P.S.- Palasi, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ummati Daughter of Nurani W/o Md. Siraj, R/o village - Sohagpur, Ward
No.- 12, P.S.- Palasi, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Araria (Mahila) P.S. Case No. 102 of 2020 for the offence registered under Sections 341, 323, 498A, 504/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The marriage of the informant is stated to have been solemnized with the petitioner on 25.08.2016 as per Muslim customs and rituals, however, subsequently the accused persons including the petitioner, who is the husband of the victim lady, started torturing the informant on account of non-fulfillment of the demand for dowry and finally she was ousted from her matrimonial



home.

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 not only the petitioner is ready and willing to keep his wife with due honour and dignity but is also ready to participate in the mediation proceedings to be initiated in connection with the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

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 on record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of S.D.J.M., Araria in connection with Araria (Mahila) P.S. Case No.102 of 2020, 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.

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.

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)

S.Sb/Sonal-

U		T	
---	--	---	--

