

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74357 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- BELHAR District- Banka

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MD. IZMAIL ANSARI @ IZMAIL ANSARI SON OF AZAD ANSARI R/O
VILLAGE- BABURAMPUR, P.S.- BELHAR, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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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.

This is an application for grant of anticipatory bail in connection with Belhar P.S. Case No. 166 of 2022 registered for the offence punishable under Section 341, 323, 498A, 34 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act.

The case of the prosecution, in brief, is that the marriage of the informant was solemnized with the petitioner three years back and out of the said wedlock, a child was born, however, subsequently, it is alleged that the petitioner started demanding dowry to the tune of Rs. 2 lacs in cash, apart from a motorcycle and on account of non-fulfillment of the said demand for dowry, the informant was assaulted and ousted from the matrimonial



home on 4.5.2022.

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 her wife with due honour and dignity and is also willing to participate in any mediation proceedings to be conducted with regard to the present case.

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 Chief Judicial Magistrate, Banka, in connection with Belhar P.S. Case No. 166 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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