

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1797 of 2023

Arising Out of PS. Case No.-160 Year-2019 Thana- COMPLAINT CASE District- Supaul

MD. SAJID S/O MD. VAKIL Resident of Village- Simrahi, Ward No- 14,
P.O. and P.S.- Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAFSANA PRAVIN W/O MD. SAJID, D/O MD. MOKIL Resident of
Village- Simrahi Bazar, P.S.- Raghapur, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 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. 160 of 2019 registered for the offence punishable under Section 498(A) of the Indian Penal Code.

The petitioner is stated to have solemnized marriage with the complainant on 5.1.2015, as per Muslim Rites and Customs, wehreafter the complainant is stated to have gone to her matrimonial home, however, subsequently, they had started torturing and harassing her and finally, on account of non-fulfillment of the demand for dowry, 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 not only ready and willing to keep his wife with due honour and dignity but is also ready to participate in any mediation proceedings to be conducted by the learned Court below with a view to amicably settling 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 Additional Chief Judicial Magistrate, Birpur, Supaul, in connection with Complaint Case No. 160 of 2019, 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.

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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