

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1891 of 2023

Arising Out of PS. Case No.-261 Year-2021 Thana- RAMGARHWA District- East
Champaran

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JUBAIR DEWAN @ MD. JUBAIR DEWAN Son of Islam Dewan R/v-
Inarwa, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Meena Singh

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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 Ramgarhwa Case No. 261 of 2021 registered for the offence punishable under Sections 341, 323, 498(A), 34 of the Indian Penal Code.

The marriage of the petitioner is stated to have been solemnized with he informant, as per Muslim Rites and Customs in the year, 2013, whereafter the informant is stated to have come to her matrimonial home, however, subsequently, the petitioner and his family members started torturing the informant and finally, on account of certain matrimonial disputes, the petitioner had ousted the informant 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 settle 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 Chief Judicial Magistrate, Motihari, East Champaran, in connection with Ramgarhwa Case No. 261 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.

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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