

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60544 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Firoz Alam @ Firoz @ Firoz Aamal S/o Late Aaiyub Resident of Village -
Khajurbari, PS- Terhagachh, Distt. - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ishrath Begum W/o Firoz Alam @ Firoz, D/o Late Md. Ishrail Resident of
Village - Pathergali, PS - Kodhobari, Dist. - Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the State : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner and learned

APP for the State. No one appears on behalf of the opposite

party no.2.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No.21 of 2024 registered for the
offences punishable under Sections 341, 323, 498A and 504/34
of the Indian Penal Code and Section 3 and 4 of the Dowry
Prohibition Act. Petitioner is the husband of opposite party
no.2.

3. The First Information Report would disclose that
there is an allegation of demand of motorcycle and a chain and
consequent torture inflicted upon the informant by the



petitioner -husband.

4. Earlier by an order dated 18.01.2025, the matter was sent to the Mediation Centre for resolution of disputes between them, however, the report of the Mediation Centre is on record which discloses that the process of mediation has failed despite the best efforts.

5. At this stage, it has been submitted by the learned counsel for the petitioner that the opposite party no.2 never cooperated and did not appear before the mediation centre and even today learned counsel for the opposite party no.2 is not appearing.

6. Learned counsel for the petitioner has further submitted that the present case came to be lodged after four years of the marriage and despite the fact and the specific statement made in paragraph 19 that he is ready to keep the informant with due dignity and honour, it is actually the informant who has left the matrimonial house on her own will and is not ready to stay with the petitioner.

7. The application has been opposed by the learned APP for the State.

8. Considering the abovementioned facts and circumstances of the case, let the above named petitioner, be



released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Kishanganj in connection with Mahila P.S. Case No.21 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

9. At this stage, this Court would want to make an observation that in most of the cases, it is only stated that the mediation process has failed and nothing further. It would be expedient in the interest of justice that it may at least be recorded in the mediation report as to which party is not appearing in the proceedings and, hence not cooperating in the mediation process.

(Soni Shrivastava, J)

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