

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4290 of 2020

Arising Out of PS. Case No.-1154 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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SURENDRA KUMAR S/o Ramnath Thakur R/o village- Rani Bagan, Bero,
P.S.- Bero, District- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kumari Dimpy W/o Surendra Kumar, D/o Sri Sachidanand Kumar Resident
of Nasrat Khani, Nathnagar, P.S.- Nathnagar, District- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-09-2020 The present petition has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner, Shri Anand
Kishore Choudhary, learned A.P.P. for the State and Shri
Gautam Kumar Kejriwal, learned counsel for the informant.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1154 of 2018 for the offence registered
under Section 498(A) of the Indian Penal Code.

The case of the prosecution in brief is that the marriage
of the complainant was solemnized with the petitioner at



Bhagalpur on 21.04.2015 whereafter she was continuously tortured both physically and mentally on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and he is ready and willing to keep his wife with due honour and dignity.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that earlier also mediation proceeding in between the husband and the wife were conducted, however, the same has failed inasmuch though the petitioner admits to keep his wife with due honour and dignity before the learned Mediator, however, thereafter refuses to take the complainant along with him. It is thus submitted that the petitioner deserves to be punished appropriately.

Having regard to the facts and circumstances of the case and taking into account the submissions made by the learned counsel for the parties as also considering the materials on record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court below within a period of four weeks from today, whereupon he shall be granted the privilege of provisional bail on the very same day by the learned



court of A.C.J.M.-VIII, Bhagalpur in connection with Complaint Case No. 1154 of 2018, however, subject to such terms and conditions as may be deemed fit and proper to be imposed by the learned court below as also upon furnishing an undertaking to the effect that he would be present in the mediation proceedings on each and every date so fixed, failing which his bail bond would be cancelled.

The learned court below is further directed to issue notice to the complainant and hold mediation proceeding as also conclude the same within a period of four weeks of the first date so fixed by the learned court below. The learned court below shall then, subject to the outcome of the mediation proceeding, take a final call with regard to either confirming the provisional bail to be granted to be petitioner or revoking the same.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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