

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8526 of 2020**

Arising Out of PS. Case No.-208 Year-2019 Thana- SHIVSAGAR District- Rohtas

BIKESH KUMAR TIWARY @ VIKESH KUMAR TIWARY Son of Upendra  
Tiwary Resident of Village- Dinara, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Suman Pandey W/o Bikesh Kumar Tiwary @ Vikesh Kumar Tiwary, D/o Sri Janardan Pandey Resident of Village- Rampur Telari, P.S.- Shiv Sager, District- Rohtas.

... .. Opposite Party/s

**Appearance :**

|                            |                          |
|----------------------------|--------------------------|
| For the Petitioner/s :     | Mr.Arvind Kumar Pandey   |
| For the Opposite Party/s : | Mr.Surendra Prasad Singh |
|                            | Mr. Ashok Kumar, APP     |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

3      23-06-2020                      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 and  
Shri Ashok Kumar, the learned APP for the State.

The petitioner apprehends his arrest in connection with Shivsagar P.S. Case No. 208 of 2019 for the offence punishable under Sections 498(A) of the Indian Penal Code and section 3/4 of Dowry Prohibition Act.

The accusation against the petitioner is that his marriage was solemnized with the informant on 01.05.2018



according to Hindu rites and customs and at the time of marriage, huge sums of money and articles were given to the petitioner by the father of the informant, however, subsequently the accused persons including the petitioner herein used to assault her and torture her on account of non-fulfillment of demand for dowry and finally she was kicked out from her matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that the petitioner is ready to keep his wife with due honour and dignity.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem 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 provisional bail on the very same day by the learned Chief Judicial Magistrate, Sasaram, in connection with Shivsagar P.S. Cas No. 208 of 2019, subject to such conditions as may be deemed fit and proper to be imposed by the learned court below and then the learned court below shall hold



mediation proceedings in between the petitioner and his wife, for which purpose the learned court below shall issue notice to the wife of the petitioner and summon the wife. It is expected that the learned court below shall make all endeavours to settle the matrimonial dispute in question. It is further directed that after the conclusion of the mediation proceeding, the learned court below shall take a final call with regard to either confirming the provisional bail to the petitioner or revoking the same, depending upon the outcome of the mediation proceedings as also upon application of its own independent mind on the merits of the case, without being prejudiced by its earlier order rejecting the case of the petitioner for grant of anticipatory bail.

The petition stands stands disposed of with the aforesaid directions.

**(Mohit Kumar Shah, J)**

Tiwary/-

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