

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14063 of 2020

Arising Out of PS. Case No.-107 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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ANIL CHAUDHARY @ ANIL KUMAR Son of Ganesh Chaudhary Resident
of Village - Oro, P.S.- Hisua, Distt.- Nawada.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rubi Kumari W/o Anil Choudhary Resident of Village - Gopi More, P.S.-
Fatehpur, Dist.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-09-2020 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 and Shri
Akbar Ali, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 107/2018 for the offence registered under
Sections 323, 498(A), 307, 504 and 406 of the Indian Penal
Code and Sections 3/4 of the Dowry Prohibition Act.

The case of the complainant in brief is that her marriage
was solemnized on 13.03.2011 with the petitioner herein as per



Hindu rites and customs whereafter she had gone to her matrimonial home, however, subsequently she was tortured by the accused persons including the petitioner herein and demand of a sum of Rs. one lakh and one motorcycle was made. It is further alleged that on account of non-fulfillment of the demand for dowry, the accused persons had abused her as also assaulted her and thereafter she was ousted from her matrimonial home.

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

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case dairy, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of Judicial Magistrate, 1st Class, Gaya in connection with Complaint Case No. 107/2018, Trial No. 1648 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 complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes between them.

The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to be 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 below.

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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