

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14495 of 2020

Arising Out of PS. Case No.-2601 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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PURUSHOTTAM MISHRA @ PURSOTTAM KUMAR Son of Sri Jagdish Mishra Resident of Village-Jurawanpur, P.O-Maniyarpur, P.S-Bidupur, District-Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Arti @ Priyanka Wife of Purushottam Mishra @ Pursottam Mishra Resident of Village-Jurawanpur, P.O-Maniyarpur, P.S-Bidupur, District-Vaishali at Hajipur, and at present address is daughter of Late Ashwani Kumar Mishra, resident of village and P.O-Akhtiyarpur Paterha, P.S.-Sarai, District-Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bindeshwar Kumar
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2020 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.

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 complaint case no. 2601 of 2018 registered for the offences punishable under Sections 498A/34 of Indian Penal Code and Section 4 of Dowry Prohibition Act.

The case of the prosecution in brief is that the



complainant was married with the petitioner, whereafter she had gone to her matrimonial home, however subsequently, the petitioner, who is the husband of the complainant, started demanding a sum of Rs. 1 lac and the accused persons including the petitioner herein used to torture the complainant and ultimately, the complainant was thrown out of her matrimonial home on account of non-fulfilment of the demand for dowry.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioner is ready for mediation, I deem it fit and appropriate 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 court of S.D.J.M. Vaishali at Hajipur in connection with Complaint case no. 2601 of 2018, 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 summon the complainant and hold mediation proceedings in between the petitioner and the complainant. It is further directed that after the mediation proceedings are over, the learned court below shall take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same depending upon the outcome of the mediation proceedings as also upon application of independent mind, without being prejudiced by the order passed by it earlier, rejecting the prayer of the petitioner for grant of anticipatory bail.

It is needless to state that in case, the petitioner does not surrender before the learned court below within a period of four weeks from today, the present petition for grant of anticipatory bail to the petitioner herein, shall be deemed to have been dismissed.

The petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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