

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14482 of 2020

Arising Out of PS. Case No.-211 Year-2019 Thana- KOCHAS District- Rohtas

RAVI KUMAR Son of Late Shyam Bihari Sah Resident of Village -
Nawanagar, P.O.- Nawanagar, P.S.- Nawanagar, District- Buxar (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kumari Wife of Ravi Kumar, D/O - Mr. Surendra Sah @ Surendra Kumar Gupta Presently resides at Village - Kochas, P.O.- Kochas, P.S.- Kochas, District- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh

For the Opposite Party/s : Mr.Ashok Kumar

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 Kochas PS case no. 211 of 2019 registered for the offences punishable under Sections 341, 323, 498A, 504, 506/34 of Indian Penal Code and 3/4 of Dowry Prohibition Act.

The case of the prosecution in brief is that the marriage of the complainant was solemnized with the petitioner on 09.03.2018 and the father of the complainant had given lots of gifts to the petitioner and his relatives, however subsequently,



the accused persons including the petitioner herein used to torture the complainant on account of non-fulfilment of the demand for dowry and finally, they had ousted the petitioner from her matrimonial home after torturing, abusing and assaulting her.

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 by referring to paragraph no. 5 of the impugned order dated 03.01.2020 that the complainant was called to the learned court below, however she was not ready to go back to her matrimonial home and reside with her husband, on the pretext that though she has tried to settle with her husband on many occasions but there is no change in the behaviour of her husband. It is thus submitted that though the petitioner is ready and willing to keep his wife with due dignity and honour, however his wife is adamant not to stay with her. Nonetheless, it is submitted that the petitioner is ready to enter into mediation proceedings with his wife so as to settle the matrimonial dispute in question, once and for all.

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 Additional Chief Judicial Magistrate, Rohtas, Sasaram in connection with Kochas PS case no. 211 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 summon the informant and hold mediation proceedings in between the petitioner and the informant. 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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