

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16921 of 2020

Arising Out of PS. Case No.-581 Year-2018 Thana- COMPLAINT CASE District- Banka

GUDDU DAS Son of Gholtan Das Resident of Village- Kani Mahua, P.S.-
Katoria, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gauri Devi W/O- Guddu Das Resident of Village- Kani Mahua, P.s.-
Katoria, District- Banka. At present - Gauri Devi, D/o Arjun Das, Resident
of Village- Bagra, P.S.- Chandan, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-07-2020 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, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Pradeep Narain Kumar, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 581 of 2018 for the offence punishable under Sections 323 and 498A of the Indian Penal Code

The allegation is regarding the marriage of the



complainant having been solemnized with the petitioner in the year 2017, whereafter the complainant is stated to have gone to her in-law's place, however, she was tortured subsequently on account of non-fulfilment of the demand of Hero Honda Motorcycle and on 20.04.2018, the complainant is stated to have been assaulted by the petitioner and other accused persons brutally and is said to have been ousted from her matrimonial house after the accused persons had snatched her ornaments.

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, who is the husband of the complainant, is ready to keep his wife with due honour and dignity and for that purpose he is ready to engage in mediation proceedings with his wife.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory 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 fact that the petitioner is ready to keep the complainant with due honour and dignity, 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 the learned court below shall grant provisional bail to the petitioner, on the very same day, upon such conditions as may be deemed fit and proper to be imposed by the learned court of S.D.J.M., Banka in connection with Complaint Case 581 of 2018. It is further directed that the learned court below shall then summon the complainant and engage the petitioner and the complainant in mediation proceedings with a view to settle the dispute amongst them amicably. It is also directed that 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, after receipt of the outcome of the mediation proceedings as also upon an independent application of mind, without being prejudiced by the order passed by the learned court below earlier, rejecting the anticipatory bail petition of the petitioner herein.

It is also directed that for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein in connection with Complaint Case No. 581 of 2018, pending before the Ld. court of S.D.J.M., Banka.



The present petition stands disposed of with the
aforesaid directions.

(Mohit Kumar Shah, J)

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