

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14585 of 2020

Arising Out of PS. Case No.-153 Year-2019 Thana- MAHILA P.S. District- Bhojpur

MITHILESH SINGH @ PRADIP SINGH Son of Parmeshwar Singh Resident
of Village - Sarfagar, P.S.- Udwananagar, Distt - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Jyoti Devi @ Jyoti Singh Wife of Mithilesh Singh @ Pradip Singh Resident
of Village - Sarfagar, P.S.- Udwananagar, Distt - Bhojpur. At Present D/o
Virendra Singh, R/v - Ishwarpora, P.O. - Milki Ishwarpora, P.S.- Shahpur,
Distt - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-07-2020 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 Mr.
Ram Chandra Singh, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection
with Bhojpur Mahila P.S. Case No. 153 of 2019 for the offence
punishable under Sections 323, 498(A), 497, 379, 504, 506 of
the Indian Penal Code and Section 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
herein on 27.04.2018 and at the time of marriage, huge sums of



money and gifts were given to the petitioner and his family members. It is further alleged that after some time, the accused persons including the petitioner herein started demanding dowry and upon non-fulfillment of the demand for dowry, they used to assault and harass her, thereafter the accused persons had forcibly thrown the complainant out of her matrimonial home.

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.

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 his wife with due dignity and honour, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Bhojpur Mahila P.S. Case No. 153 of 2019 within a period of four weeks from today, whereupon the petitioner shall be granted the privilege of provisional bail on the very same day, subject to such conditions as



may be deemed fit and proper to be imposed by the learned court below. It is further directed that the learned court below shall then summon the wife of the petitioner and engage the husband and wife in mediation proceedings, and the learned court below shall also make all endeavours to settle the matrimonial disputes amongst them. It is further 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 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 Bhojpur Mahila P. S. Case No. 153 of 2019, pending before the learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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