

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14089 of 2020

Arising Out of PS. Case No.-1162 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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DINESH MAHTO S/o Late Lakshmi Mahto R/o village- Satmalpur, P.S.-
Varisnagar, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gunja Kumari W/o Dinesh Mahto, D/o Surendra Chaudhary R/o village-
Runnisaidpur, P.S.- Runnisaidpur, Distt.- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 21-09-2020 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 Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 1162 of 2018 for the offence registered under Sections 498(A)/34 of the Indian Penal Code.

The case of the complainant is that her marriage was solemnized with the petitioner on 08.07.2017 whereafter she



had gone to her in-laws place, however, subsequently the petitioner and other accused persons started demanding a sum of Rs. five lakhs by way of dowry and upon non-fulfillment of the said demand for dowry, the complainant is stated to have been subjected to cruelty and torture. It is further alleged that ultimately the complainant was ousted from her matrimonial home after the accused persons had assaulted her and snatched her clothes, ornaments etc.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has submitted that the petitioner is ready and willing to keep his wife 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 S.D.J.M., Sadar, Sitamarhi in connection with Complaint Case No. 1162/2018, 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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