

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14141 of 2020

Arising Out of PS. Case No.-27 Year-2019 Thana- MAHILA P.S. District- Lakhisarai

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MUKESH KUMAR Son of Ganesh Paswan Resident of Village- Chuan, P.S.-
Khaira, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Pushpa @ Anamika Kumari Wife of Mukesh Kuamr Resident of
Village- Chuan, P.S.- Khaira, District- Jamui. At present daughter of Ram
Naresh Paswan, Resident of Village- Naya Tola Makuna, Ward No. 29, P.S.-
Lakhisarai, District- Lakhisarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 08-09-2020 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
Upendra Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Lakhisarai Mahila P.S. Case No. 27 of 2019 for the offence
registered under Sections 323, 504, 498(A), 406 and 307 of
the Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

The marriage of the informant is stated to have been



solemnized with the petitioner as per the Hindu rites and customs on 20.05.2013 and it is alleged that huge amount of gifts, ornaments, cash etc. were given to the petitioner at the time of marriage. It is further alleged by the informant that after marriage she had gone to her in-laws place, however, subsequently she was abused and assaulted on account of non-fulfillment of demand of dowry of Rs. 2,00,000/- (rupees two lakh) and subsequently she was ousted from matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further 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 diary, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of C.J.M., Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 27 of 2019, 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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