

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14481 of 2020

Arising Out of PS. Case No.-403 Year-2016 Thana- BIRAUL District- Darbhanga

SHAMBHU KUMAR YADAV @ SHAMBHU KUMAR S/o Rajeshwar
Yadav R/o village- Harsher Nunukala, P.S.- Biraul, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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 Biraul PS case no. 403 of 2016 registered for the offences punishable under Sections 341, 323, 498(A), 494, 504, 506/34 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The allegation is regarding the accused persons including the petitioner herein who is the husband of the victim lady, having tortured the informant of this case on account of non-fulfilment of the demand for dowry and finally, she is stated to have been thrown out of her matrimonial home. It is further



alleged that the petitioner has solemnized marriage with some other woman.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having clean antecedent. It is further submitted that the marriage of the informant has never been solemnized with the petitioner and the informant is unduly harassing him and his family members, however the learned counsel for the petitioner has submitted that the petitioner is ready to join mediation proceedings where it would become apparent that the marriage of the petitioner and the informant has never taken place.

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 A.C.J.M., Biraul, Darbhanga in connection with Biraul PS case no. 403 of 2016, 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 expected that the learned court below shall make all efforts to settle the disputes amongst the parties, amicably. 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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