

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16938 of 2020

Arising Out of PS. Case No.-580 Year-2019 Thana- KESARIA District- East Champaran

RAJ KUMAR Son of Rajendra Prasad Resident of Village - Hindu Chakia,
P.S.- Chakia, Distt - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Puja Devi Wife of Raj Kumar, D/o Sunil Kumar Resident of Village -
Sundararpur, P.S.- Chakia, Distt - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2020 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 Mrs. Asha Devi, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Kesariya P.S. Case No. 580 of 2019 for the offence punishable under Sections 315, 498-A 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 informant was solemnized with the petitioner



herein according to Hindu rite and custom on 26.05.2017 and the father of the informant had spent about 15 lacs in the said marriage and had also given various articles and cash amount apart from jewellery etc. It is also the allegation of the informant that she had gone to her matrimonial home after marriage, however, subsequently, the accused persons including the petitioner herein had started demanding a sum of Rs. 5 lacs and on account of non-fulfilment of the said demand, she was tortured and finally her in-laws had administered some medicine, while she was pregnant, resulting in her foetus being aborted. It is further alleged that the petitioner and other accused persons had beaten her and confined her in a room and were planning to kill her, however, on an alarm being raised, the neighbours had arrived whereupon she was saved and then she had gone to her parental 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 and willing to keep his wife with due honour and dignity and for that purpose he is ready to engage in mediation proceedings.

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 honour and dignity, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of Additional Chief Judicial Magistrate-3rd, East Champaran at Motihari in connection with Kesariya P.S. Case No. 580 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 issue notice to the informant of this case i.e. the wife of the petitioner herein and thereafter engage the petitioner and his wife in mediation proceedings and try to resolve the matrimonial disputes in-between them amicably. 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 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 needless to state that for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein in connection with Kesariya P. S. Case No. 580 of 2019, pending before the learned Additional Chief Judicial Magistrate-3rd, East Champaran at Motihari.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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