

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16924 of 2020**

Arising Out of PS. Case No.-52 Year-2019 Thana- MAHILA P.S. District- Saran

AJAI RAI Son of Ganesh Rai Resident of Village - Chainpur Chhattar Tola,
P.S.- Garkha, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh

For the Opposite Party/s : Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 10-07-2020

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 Shri Shyam Kumar Singh, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 52 of 2019 for the offence punishable under Sections 341, 323, 498A/ 34 of the Indian Penal Code and 3/4 of D.P. Act.

The case of the prosecution in brief is that the informant is stated to have solemnized marriage with the petitioner in the year 2015, whereafter she had gone to her matrimonial home, however, subsequently the petitioner, who is the husband of the informant, is alleged to have started torturing and harassing the



informant on account of non- fulfilment of demand for dowry and finally she was assaulted and ousted from 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, who is the husband of the informant, is ready to keep his wife with due honour and dignity and for that purpose he is ready to engage in mediation proceedings with his wife.

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 the informant with due honour and dignity, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court below within a period of four weeks from today, whereupon the learned court below shall grant provisional bail to the petitioner, on the very same day, upon such conditions as may be deemed fit and proper to be imposed by the learned court of S.D.J.M., Saran at Chapra in connection with Mahila P.S. Case 52 of 2019. It is further directed that the learned court below shall then summon the informant and engage the petitioner and the informant in mediation proceedings with a view to settle the matrimonial disputes



amongst them amicably. It is also 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 petitioners herein.

It is also directed that for a period of four weeks from today, no coercive steps shall be taken against the petitioners herein in connection with Mahila Case 52 of 2019, pending before the learned court of S.D.J.M., Saran at Chapra.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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