

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26245 of 2020

Arising Out of PS. Case No.-142 Year-2012 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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KAPIL MUNI SAH @ KAPIL SAO @ KAPIL SAH S/o Sri Paras Sao
Resident of Village-Manjhari, P.S.-Mohania, District-Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandhya Devi Wife of Kapil Sao Resident of Village-Bheriya, P.S.-Dehri,
District-Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-10-2020 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. 142 of 2012 for the offence registered under Sections 498A and 494 of the Indian Penal Code.

The case of the prosecution in brief is that the marriage of the complainant was solemnized with the petitioner 25 years ago and at the time of marriage cash and some ornaments were



gifted to the accused persons whereafter the complainant had gone to her matrimonial home and during the course of time she had given birth two sons and one daughter, however, subsequently the accused persons, including the petitioner herein, had tortured her on account of non-fulfillment of the demand for dowry and the petitioner had also performed second marriage with the co-accused person, namely, Usha Devi and then the complainant is stated to have been ousted from her 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 dairy, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of S.D.J.M., Dehri, District-Rohtas in connection with Complaint Case No. 142 of 2012, 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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