

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26247 of 2020

Arising Out of PS. Case No.-167 Year-2018 Thana- BELSAND District- Sitamarhi

JITU JHA Son of Sri Dayanand Jha Resident of Village- Partapur, P.S.-
Belsand, Distt- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr. Birendra Kumar

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 Birendra Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Belsand P.S. Case No. 167 of 2018 for the offence registered under Sections 498(A) and 323/34 of the Indian Penal Code.

The informant Anju Devi has alleged that on account of non-fulfillment of the demand for dowry for a sum of Rs. two lakhs, the petitioner and his family members have subjected her to cruelty and torture and the petitioner who is the husband of the informant has subsequently ousted her 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 C.J.M., Sitamarhi in connection with Belsand P.S. Case No. 167 of 2018, 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 informant-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 further directed to take a final call with regard to either confirming the provisional bail to be



granted to be petitioner or cancelling the same subject to outcome of the mediation proceedings as also upon consideration of the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition earlier, 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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