

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26256 of 2020

Arising Out of PS. Case No.-517 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

RAJESH RANJAN S/o Late Nand Kishor Ray Resident of Village-Malikorh,
Police Station-Pusa, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mrs. Anita Kumari Singh

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 Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 517 of 2018 for the offence registered under Sections 341, 323, 324, 326, 498A, 406 and 506 of the Indian Penal Code.

The complainant is stated to have been married with the petitioner on 27.05.2011 whereafter she had lived happily for the next four years with her husband and had given birth to two children, however, subsequently the accused persons including the petitioner herein had started demanding a sum of Rs. four



lakhs by way of dowry and upon non-fulfillment of the demand for dowry, they had started abusing and torturing her and finally on 08.12.2015 the petitioner and his family members had assaulted her badly whereupon the neighbours had assembled, upon alarm being raised, and had taken her to Primary Health Centre from where she was referred to P.M.C.H., Patna and further to AIIMS, Delhi. It is further alleged that subsequently mediation was held and the complainant had gone back to her matrimonial home but again she was tortured and ousted from her matrimonial home on 02.10.2018, along with her children, whereafter she had gone to her parents' home and has been staying there since then.

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 A.C.J.M.-1, Dalsinghsarai, District-Samastipur in connection with Complaint Case No. 517 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 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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