

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26239 of 2020

Arising Out of PS. Case No.-24 Year-2019 Thana- MAHILA P.S. District- Lakhisarai

VIKKY SAW THATHERA S/o Late Ganesh Saw Resident of Village-Laheri
Tola @ Ranglal Tola, P.S.-Mokama, District-Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Khushbu Kumari W/o Vikky Saw Thathera D/o Prakash Saw Resident of
Village-Baullipur Suryapura, P.S.-Suryagraha, District-Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mr. 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 Lakhisarai Mahila P.S. Case No. 24 of 2019 for the offence registered under Sections 498(A)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The marriage of the informant is stated to have been solemnized with the petitioner according to Hindu rites and



customs in the year 2017 whereafter she was living a comfortable conjugal life and has given birth to a female child, however, after the birth of the female child, the petitioner herein and his family members started demanding a sum of Rs. one lakh and a motorcycle by way of dowry from the father of the informant. It is further alleged that on account of non-fulfillment of the said demand for dowry, the informant was subsequently 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 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., Lakhisarai in connection with Lakhisarai Mahila P.S. Case No. 24 of 2019, 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 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)

S.Sb/-

U		T	
---	--	---	--

