

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22657 of 2020

Arising Out of PS. Case No.-191 Year-2019 Thana- KOPA District- Saran

DEVENDRA SHARMA @ DEVENDRA KUMAR SHARMA S/o Dwarika
Sharma Resident of Village-Takipur, P.S.-Maharajganj, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmnath Sharma S/o Late Ramji Sharma Resident of Village-Devariya,
P.S.-Kopa, District-Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-09-2020 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 Vinod Shanakr Modi, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kopa P.S. Case No. 191 of 2019 for the offence registered under Sections 341, 323, 379, 406, 498(A) and 120(B)/34 of the Indian Penal Code.

The informant has alleged in his complaint petition that his daughter was married with the petitioner in the year 2009 whereafter she went to her in-laws place and out of the said wedlock two children were born, however, subsequently the



petitioner started demanding a bullet motorcycle by way of dowry and upon non-fulfillment of the said demand, the accused persons including the petitioner herein started torturing the daughter of the informant and subsequently they had assaulted her and kicked her out of 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 on record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of A.C.J.M.-Vth, Saran at Chapra in connection with Kopa P.S. Case No. 191 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 wife of the petitioner 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	
---	--	---	--

