

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23862 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- COMPLAINT CASE District- Lakhisarai

KANHAI MAHTON @ KANHAIYA KUMAR Son of Late Ramanuj Mahto
R/O Village- Chakpunarwas, P.S. - Matihani, District - Begusarai.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ronika Devi Wife of Kanhai Mahto Daughter of Sudhir Ray, R/O Village-
Diaara, P.s. - Pipariah, District - Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar, Adv.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2020 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 the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 243C of 2019 registered for the offence punishable under Sections 323, 498A, 504 of the Indian Penal Code and Sections 3/ 4 of the D.P. Act.



The case of the prosecution in brief is that the marriage of the complainant was solemnized with the petitioner on 22.5.2013 as per Hindu rites and custom and huge amount of gold ornaments and cash were given to the in-laws of the complainant. It is further alleged that for some time, the complainant had led a peaceful marital life, however, subsequently, the accused persons including the petitioner herein started demanding a motorcycle and on account of non-fulfilment of the demand for the said motorcycle, the petitioner and other accused persons had tortured and assaulted the complainant, whereafter they had subsequently ousted the complainant from the matrimonial home. It is also alleged that during the interregnum period, the complainant had become pregnant, whereafter, the petitioner had got her ultra sound conducted, however, he became disappointed upon a female fetus having been detected and then, the petitioner is alleged to have given her medicines for aborting the fetus and finally, she gave birth to a dead female baby in the



year, 2015, whereafter the accused persons used to continuously abuse and assault the complainant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he 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 APP 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 Sub-Divisional Judicial Magistrate, Lakhisarai in connection with Complaint Case No. 243C 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 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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