

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23897 of 2020**

Arising Out of PS. Case No.-59 Year-2019 Thana- MAHILA PS District- East Champaran

GUDDU PATEL Son of Late Bijali Patel Resident of Village - Sahamalwa  
Math Lohiyar, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nina Kumari (Punam) Daughter of Manoj Prasad Resident of Village - Mangalpur, P.S. - Sangrampur, District - East Champaran.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      07-10-2020      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 Sri Ashok Kumar, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Mahila P.S. Case No. 59 of 2019 registered for the offence punishable under Sections 341, 323, 504, 506, 354B, 498A/34 of the



Indian Penal Code, 1860 and Section 3 /4 of the Dowry Prohibition Act.

The informant is stated to have solemnized marriage with the petitioner on 31.5.2017 as per the Hindu rites and rituals and at the time of marriage, a motorcycle, huge sum of money and various gift articles were given to the petitioner and his family members. It is further alleged that subsequently, the accused persons started demanding a sum of Rs. 70, 000/- by way of dowry and then the brother-in-law and sister-in-law of the informant had taken the said money from the father of the informant, however, the accused persons again started demanding an Apachi motorcycle and a sum of Rs. 1,50,000/-, but since the informant was not able to fulfill the demand for dowry made by the accused persons, she was beaten by the accused persons and finally, ousted 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 he



is having a clean antecedent. The learned counsel for the petitioner has 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 1st Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Mahila P.S. Case No. 59 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)**

Ajay/-

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