

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63429 of 2019

Arising Out of PS. Case No.-1473 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJESHWAR PANDEY Son of Ram Kishore Pandey Resident of Near Devi
Asthan, P.S.- Maner, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Nitu Kumari Wife of Shri Rajeshwar Pandey Daughter of Shri Ashok
Kumar Mishra, Resident of Village - Kurthol, P.S.- Parsa, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Mrityunjay Kumar Tiwary
For the Opposite Party/s :	Mr.Anil Kumar
	Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 29-06-2020 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 Complaint Case No. 1473(C)
of 2015 registered for the offence punishable
under Sections 420, 406, 498A of the Indian Penal



Code and Section 3 /4 of the D.P. Act, but the cognizance has been taken under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The accusation against the petitioner is that though his marriage with the complainant was held on 9.6.2014 according to Hindu Rites and Customs, but subsequently, he has been inflicting cruelty and harassing the complainant mentally and physically on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that the petitioner is ready to keep his wife with full dignity and honour and thus, he is ready to participate in any mediation proceedings to be held by the Hon'ble Court.

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 fact that the petitioner is ready to participate in the mediation proceedings and settle the matrimonial disputes, I deem it fit and proper to direct the petitioner to appear before the learned court of Sub Divisional Judicial Magistrate, Patna in connection with Complaint Case No. 1473 of 2015 on 27.7.2020, whereupon the learned court below shall issue summons to the wife, fix a date and hold mediation proceedings in between the husband and the wife with a view to sort out the matrimonial disputes amongst them. After the mediation proceedings are over, this Court vests the learned court below with full authority to take a final call with regard to either confirming the provisional bail, already granted to the petitioner herein by this Court, or revoking the same, considering the outcome of the mediation proceedings and applying its own independent mind.

It is made clear that in case, the petitioner does not appear before the learned court below on



27.7.2020 or thereafter as per the directions of the learned court below, the privilege of provisional bail, extended to the petitioner by this Court, shall stand revoked and the petitioner would be liable to be taken into custody forthwith.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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