

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62962 of 2019

Arising Out of PS. Case No.-383 Year-2016 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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ANANDI PRASAD Son of Sri Yogendra Prasad Resident of Mohalla-New Basti, Dhankheti, P.O. and P.S.-Titagarh, Kolkata, District-North 24 Pargana, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi Wife of Anandi Prasad and Daughter of Sri Brijmohan Prasad Resident of Village-Noorsarai, P.O. and P.S.-Noorsarai, District-Nalanda at Biharsharif.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Mohan
For the Opposite Party/s : Mr.Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 06-07-2020 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 Mr. Ajay Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 383(C) of 2016 for the offence registered under Sections 494 & 498A of the Indian Penal Code.

The complainant has filed a complaint case bearing Complaint Case No. 383C/2016 before the learned Court of



Chief Judicial Magistrate, Nalanda, whereupon cognizance has been taken against the petitioners and other accused persons under Sections 494 and 498A of the Indian Penal Code. It has been alleged by the complainant that her marriage was solemnized with the petitioner in the year 1989 and out of the wedlock two sons were born who have now become major. It is also alleged that the petitioner always demands dowry and has kept another woman and treats her as his actual wife and upon protest being made, the petitioner is alleged to have assaulted the complainant on several occasions.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is still ready to keep the complainant with full dignity and honour, however, it is the complainant who is not ready to stay with the petitioner as his wife.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having heard the learned counsel for the parties and considering the submissions made by them as also taking into account the materials available on record, I deem it fit and proper to direct the petitioner to appear before the learned court below on 24.08.2020 whereupon the learned court below shall



issue summons to the wife of the petitioner, fix appropriate dates for the purposes of holding mediation and make all endeavours to settle the dispute in between the petitioner and his wife amicably. It is further directed that the provisional bail already granted to the petitioner by this Court shall continue till the final call is taken by the learned court of S.D.J.M., Bihar Sharif in connection with Complaint Case No. 383(C) of 2016 after considering the final outcome of the mediation proceedings, to be conducted in between the petitioner and his wife as also upon independent application of mind by the learned court below.

It is needless to state that this Court vests all powers and authority with the learned court below for the purposes of either confirming or revoking the privilege of provisional bail already granted to the petitioner herein by this Court.

The petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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