

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63402 of 2019**

Arising Out of PS. Case No.-559 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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BHARAT KUMAR @ BHARAT MAHATON @ BHARAT MAHTON Son
of Late Ramdev Mahton Resident of Ward No.2, Patwari Gachhi, Semaria,
P.S.-Barauni, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi Wife of Late Pawan Mahton Resident of Ward No.2, Patwari Gachhi, Semaria, P.S.-Barauni, District-Begusarai. Daughter of Ramashray Mahton, Resident of Thakurichak, P.S.-Barauni, District-Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Pritish Kumar Lal
For the Opposite Party/s :	Mr.Murli Dhar
	Mr. Manoj Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 16-06-2020 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 Manoj Kumar Singh, the learned counsel appearing for the complainant.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 559 of 2018 registered for the offence punishable under Sections 323 and 354(B) of the Indian Penal Code.

The case of the prosecution in brief is that the marriage of



the complainant was solemnized with Pawan Mahton in the year 2005 in accordance with Hindu Rites and Rituals and out of the said wedlock, three children were born, however, unfortunately, her husband died after three and a half years, whereupon the informant is stated to be living with her father-in-law and mother-in-law, nonetheless, it is alleged that the father-in-law keeps an ill eye upon the complainant and used to coerce the complainant to sleep with him and lastly, the accused persons including the petitioner herein had taken the ornaments given by the father of the complainant and kicked the complainant and her children out of the house.

The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case, however, the accused persons including the petitioner are of the view that the complainant is entitled to her share and some money is required to be given to her to lead her life comfortably and in such view of the matter, the petitioner is ready for settling the dispute in question by mediation.

Per contra, the learned counsel for the parties have 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 parties, I deem it fit and proper to extend the privilege of provisional bail, already granted to the petitioner by this Court, by an earlier order dated 21.10.2019, till the time the learned court of Judicial Magistrate, 1st Class, Begusarai in connection with Complaint Case No. 559 of 2018, finally decides the fate of the petitioner regarding either rejecting the case of the petitioner for grant of anticipatory bail or making the provisional anticipatory bail, already granted to the petitioner, absolute.

It is further directed that the petitioner would appear before the learned court below within a period of four weeks from today, whereupon the learned court below shall issue notice to the opposite party no. 2, fix a date for mediation and make full endeavours to settle the matter in between the parties.

It is further directed that in case, the petitioner does not appear before the learned court below within a period of four weeks from today, the provisional anticipatory bail granted to the petitioner shall stand revoked and the petitioner shall be liable to be arrested.

The learned court below is also directed to consider confirming the provisional anticipatory bail, granted to the



petitioner or revoking the same, after considering the outcome of the mediation proceedings, to be engaged in, as also without being prejudiced by its order passed earlier.

The present petition stands disposed of with the aforesaid directions.

(Mohit Kumar Shah, J)

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