

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8053 of 2020

Arising Out of PS. Case No.-724 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. JAGARNATH POUDDAR @ JAGANATH PD. POUDDAR Son of Battu Lal Poddar Resident of Mohalla-Sutapatti, Goyanka Market, P.S-Town, District-Muzaffarpur.
 2. Bimla Devi Pouddar @ Bimla Devi Wife of Jagarnath Pouddar @ Jaganath Pd. Pouddar Resident of Mohalla-Sutapatti, Goyanka Market, P.S-Town, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sneha Kumari Daughter of Dev Narayan Prasad Wife of Anand Poddar Resident of Village-Atari, P.S-Loukahi, District-Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravi Ranjan
For the Opposite Party/s :	Mr. Ashok Kumar
	Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 19-06-2020 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 petitioners, Shri Ashok Kumar, learned A.P.P. for the State and Shri Rabindra Kumar Singh, learned counsel for the informant.

The petitioners apprehend their arrest in connection with Complaint Case No. 724 of 2018 for the offence registered under Section 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.



The case of the prosecution in brief is that the complainant Sneha Kumari had filed a complaint against the accused persons including the petitioners herein, who are the mother-in-law and father-in-law of the complainant to the effect that she was married on 16.04.2016 according to Hindu rites and rituals with the co-accused person, namely, Anand Poddar and huge sums of money and various articles were given by her parents to the accused persons by way of dowry. Thereafter, the complainant is stated to have gone to her in-laws house, however, the accused persons used to demand dowry and on account of non-fulfillment of the same, they had beaten her and thrown her out of her matrimonial home.

The learned counsel for the petitioners has submitted that the petitioners are innocent, are aged persons stated to be father-in-law and mother-in-law of the victim girl and the allegations levelled against them are general and omnibus in nature, hence they deserve to be granted the privilege of anticipatory bail. It is further submitted that if at all anyone has got any complicity in the matter, it is the husband of the complainant.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant has vehemently opposed the prayer for bail and have submitted that the matter be mediated in



between the husband and the wife, in presence of the petitioners herein so that the matrimonial dispute can be settled amicably.

The learned counsel for the petitioners is not averse to the proposal of the learned counsel for the informant regarding the husband of the wife joining mediation proceedings.

Having regard to the facts and circumstances of the case and considering the proposal of the learned counsel for the parties, I deem it fit and proper to direct the petitioners to surrender before the learned court below within a period of four weeks from today, whereupon they shall be granted provisional bail on the very same day by the learned court of Additional Chief Judicial Magistrate, Jhanjharpur, District-Madhubani in connection with Complaint Case No. 724 of 2018 whereafter the learned court below shall hold mediation proceedings in between the husband and wife, in presence of the petitioners herein and make full endeavour to settle the matrimonial disputes amicably. It is further directed that the learned court below shall, after conclusion of the mediation proceedings, take a final call with regard to either confirming the bail to be granted to the petitioners or revoking the same, depending upon the ensuing situation and considering the merits of the case, by applying independent mind and without being prejudiced by the earlier order passed



by it rejecting the prayer of the petitioners for grant of anticipatory bail. It is further directed that for a period of four weeks from today, no coercive steps shall be taken against the petitioners herein.

The petition stands disposed off with the aforesaid directions.

(Mohit Kumar Shah, J)

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