

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17220 of 2020

Arising Out of PS. Case No.-80 Year-2019 Thana- PIRPAINTI District- Bhagalpur

SUNIL KUMAR S/o Sri Dashrath Yadav Resident of Village- Lakrakol, P.S.-
Pirpainty, Distt- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyam Sundari Devi W/o Sunil Kumar Resident of Village- Lakrakol, P.S.-
Pirpainty, Distt- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Das, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-04-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Pirpainty P.S. Case No. 80 of 2019 for the offence registered under Sections 341, 323, 498A, 304, 506 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The case of the prosecution in brief according to the informant is that her marriage was solemnized with the petitioner in the year 2012 whereafter out of the said wedlock a son was born but during the course of time the petitioner and other accused persons had started harassing and torturing the



informant on account of non-fulfillment of the demand for dowry and finally the petitioner and one other co-accused person had poured kerosene oil on the informant, in the night of 20.04.2019 and had tried to burn the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, 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 an army personnel and he is regularly paying the maintenance amount to his wife and the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed upon the petitioner for the purposes of grant of bail/provisional bail.

Per contra, Shri Ashok Kumar Singh, learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the materials available on record, this Court deems it fit and proper to grant liberty to the petitioner to surrender before the learned court of Assistant Chief Judicial Magistrate (ACJM), Bhagalpur in connection with Pirpainty P.S. Case No. 80 of 2019 (G.R. No. 1765 of



2019), within a period of four weeks from today, whereupon on the same day he shall be admitted to the privilege of provisional anticipatory bail and then the concerned court shall engage the petitioner and the informant-wife in mediation proceedings with a view to amicably settle the matter for which the petitioner and the informant shall be liable to attend the mediation proceeding on each and every date so fixed by the learned court below. It is further directed that depending on the final outcome of the mediation proceedings, the learned court of Assistant Chief Judicial Magistrate (ACJM), Bhagalpur in connection with Pirpainty P.S. Case No. 80 of 2019 (G.R. No. 1765 of 2019), shall take a final call with regard to either confirming the provisional anticipatory bail to be granted to the petitioner or revoking the same.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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