

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 39574 of 2020

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Sambhu Kumar, aged about 27 years, Male, son of Bhairo Prasad @ Bhairo Bhagat, resident of village-Kodariya Mango, P.S.-Paroo, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi, aged about 23 years, Female, wife of Sambhu Prasad, resident of village Kodariya Mango, P.S.-Paroo, District-Muzaffarpur, presently reside at village Panapur Bangla Tola, P.O-Panapur, P.S.-Minapur, District-Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.
For the State : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-06-2021 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 the learned A.P.P. for the State, Ms. Anita Kumari Singh.



This is an application for grant of anticipatory bail in connection with Muzaffarpur Complaint Case No 1470 of 2018 registered for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The case of the prosecution, according to the complainant, is that her marriage was solemnized with the petitioner on 02.06.2017, whereafter she had gone to her in-laws place, however subsequently, she was tortured on account of non-fulfillment of the demand for dowry and was finally ousted from her matrimonial home.

The learned counsel for the petitioner submits that the petitioner is innocent, he 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 ready and willing to keep his wife with full honour and dignity, hence, the petitioner be granted the privilege of anticipatory bail.



Per contra, the learned APP for the State, Ms. Anita Kumari Singh, has submitted that the husband and wife be relegated to the process of mediation so that the matrimonial dispute amongst them can be resolved amicably.

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 materials available on the record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of S.D.J.M. (East), Muzaffarpur in connection with Complaint Case No. 1470 of 2018, within a period of fourteen weeks from today, whereupon the petitioner shall be admitted to the privilege of provisional bail on the very same day and then the learned court below shall issue notice to the complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes amongst them.



The learned court below is further directed to take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same subject to the final outcome of the mediation proceeding as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition, earlier by the learned court below.

In the meantime, for a period of fourteen weeks from today, no coercive steps shall be taken against the petitioner herein.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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