

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40047 of 2020

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Manoranjan Kumar, aged about 30 years, Gender-Male, son of
Kanhaiya Chaudhary, resident of village-Godhana, P.S. Udwant
nagar, District-Bhojpur at Ara

----- Petitioner

Versus

1. The State of Bihar

2. Kiran Kumari, aged about 26 years, Gender-Female, daughter
of Late Rama Shankar Chaudhary, wife of Manoranjan Kumar,
resident of village-Godhana, P.S. Udwant nagar, District-
Bhojpur at Ara, at present Mohalla- Anaeeth, ward no. 43,
behind Mukhlal Lodge, P.S. Ara (Nawada), District-Bhojpur at
Ara

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Parwej Khan , Advocate

For the State :- Mr. Suresh Prasad Singh, APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

- 2. 03.06.2021** 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 Shri. Suresh Prasad Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No.126 of 2019 for the offence registered under Sections 313, 494 &498A 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 on 15.06.2015, whereafter she had gone to her in-laws place but she was harassed and tortured by the accused persons on account of non-fulfillment of the demand for dowry. It is alleged that subsequently the informant had become pregnant, however, her pregnancy was forcibly sought to be terminated by the petitioner and her in-laws and then she was driven out of her matrimonial home on 10.05.2017 but luckily she was able to deliver a baby. Nonetheless, the petitioner and his family members have refused to keep the informant along with them.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely

implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner is ready and willing to keep the informant i.e. her wife with due honour and dignity. The learned counsel for the petitioner has submitted that an opportunity can be given to the petitioner and his wife to resolve the matrimonial dispute amicably and the learned court below can be asked to conduct the mediation proceedings.

Per contra, the learned A.P.P. for the State Shri. Suresh Prasad Singh, has 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 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 Sub-Divisional Judicial Magistrate, Bhojpur at Ara, in connection with Mahila P.S. Case No. 126 of 2019, within a period of eight 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 informant-wife

and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes in-between 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 be petitioner or revoking the same subject to outcome of the mediation proceedings as also considering the case of the petitioner on merits, without being prejudiced by the earlier dismissal of his anticipatory bail petition by the learned court below.

In the meantime, it is directed that for a period of eight 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)

S.Sb/-