

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4432 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- GAUNAHA District- West Champaran

SUMAN KUMAR Son of Subhash Chandra Singh Resident of Village -
Gaunaha, P.S.- Gaunaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the State	:	Ms. Anita Kumari Singh, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioner and Ms.
Anita Kumari Singh, the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Gaunaha P.S. Case No. 47 of 2020 for the offence registered under Sections 341, 448, 498(A) and 354(B) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The allegation is regarding the informant having been married with the petitioner herein in the year 2019, whereafter some matrimonial dispute had taken place and allegation as also counter allegation have been levelled. Primary allegation is regarding the petitioner and his family members having demanded dowry from the informant and upon failure to fulfill



the same, the accused persons are stated to have harassed and inflicted cruelty upon the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent as also he is serving as an Army personnel. It is further submitted that the petitioner is ready to settle the matter and keep his wife with full honour and dignity in case she is ready to live with the petitioner.

Per contra, the learned counsel for the informant Shri Sanjeev Kumar has though vehemently opposed the prayer for bail but is not averse to the idea of the learned court below engaging the husband and the wife in mediation proceedings with a view to amicably settle the matrimonial discord. It is also submitted that the informant-wife is ready to live with the petitioner in an amicable manner.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to direct the petitioner to surrender before the learned court of Judicial Magistrate-1st Class, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 47 of 2020, within a period of four



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 amicably.

The learned court below is 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 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 by the learned court below.

In the meantime, for a period of four 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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