

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5971 of 2023

Arising Out of PS. Case No.-1552 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

-
1. SHAKTI NATH TIWARI Son of Late Mahadeo Nath Tiwari R/V- Pakariya,
P.S- Jagdishpur Dist- West Champaran
 2. Geeta Devi Wife of Shakti Nath Tiwari R/V- Pakariya, P.S- Jagdishpur Dist-
West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brij Bihari Dubey Son of Late Shivkumar Dubey R/V- Sareya, Ward no. 1,
P.S and Dist- Gopalganj
3. Suman Kumari Wife of Niraj Nath Tiwari, D/o Brij Bihari Dubey at present
R/V- Sareya, Ward no. 1, P.S and Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 1552 of 2021 (T.R. No.
706 of 2022), registered for the offence punishable under
Sections 323, 406, 498(A) of the Indian Penal Code and Section
3/ 4 of the Dowry Prohibition Act.

The allegation is regarding the marriage of the daughter



of the informant having been solemnized with the son of the petitioners, who happen to be the father-in-law and mother-in-law of the victim lady, on 18.4.2012, as per Hindu Rites and Rituals, however, subsequently, she was tortured by the accused persons including the petitioners and ousted from her matrimonial home on account of her being deaf and dumb, after the accused persons had taken a huge amount of dowry from the informant.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the petitioners along with the husband of the daughter of the informant are ready to participate in any mediation proceedings to be initiated by the learned Trial Court so that the matrimonial dispute in question can be settled amicably.

Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioners along with the husband of the daughter of the informant to the mediation process so that the matrimonial dispute in question can be settled amicably.

Having regard to the facts and circumstances of the case



and considering the submissions made by the learned counsel for the petitioners, I deem it fit and proper to direct the petitioners to surrender before the learned court of Judicial Magistrate 1st Class, Gopalganj, in connection with Complaint Case No. 1552 of 2021, T.R. No. 706 of 2022, within a period of four weeks from today, whereupon the petitioners 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 daughter of the informant and the son of the petitioners, who are wife and husband, respectively and hold mediation proceeding in between them 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 petitioners or revoking the same subject to outcome of the mediation proceeding as also considering the case of the petitioners on merits, without being prejudiced by the dismissal of their anticipatory bail petition by the learned court.

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

The present petition stands disposed off on the aforesaid



terms.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

