

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7397 of 2023

Arising Out of PS. Case No.-1819 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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KAMALDEO RAI @ MITHUN RAI S/o Domi Rai R/v- Kamopur, P.S.-
Khanpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. BABITA DEVI W/o Kamaldeo Rai @ Mithun Rai D/o Arjun Rai R/v-
Kamopur, P.S.- Khanpur, District- Samastipur Present Address D/o Arjun
Rai, R/v- Gotiyahi (Rewra), P.S.- Khanpur, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 1819 of 2021, registered
for the offence punishable under Sections 498(A) of the Indian
Penal Code and 4 of Dowry Prohibition Act.

The marriage of the petitioner is stated to have been
solemnized with the complainant on 03.07.2017, whereafter the
complainant had gone to her matrimonial home, however,
subsequently, the accused persons including the petitioner
herein started torturing her for non-fulfilment of the demand for
dowry and had finally ousted her from her matrimonial home.



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. It is further submitted that the petitioner is ready and willing to keep his wife with due honour and dignity and is also ready to engage in mediation proceeding, in case, the same is initiated by the learned trial court for amicably settling the matrimonial dispute in question.

Per contra, the learned APP for the State 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 in the case dairy, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of Sub Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No. 1819 of 2021, 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 complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes



between them.

The learned court below is 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 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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