

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6147 of 2023**

Arising Out of PS. Case No.-1199 Year-2019 Thana- BUXAR COMPLAINT CASE District-
Buxar

=====

RIPUNJAY UPADHYAY @ RIPUNJAY KUMAR UPADHYAY Son of
Basuki Nath Upadhyay R/V- Parasiya, P.S- Brahmpur, Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lachami Upadhyay Daughter of Achhawar Ojha and Wife of Ripunjay Upadhyay Present address Village- Nimej, P.S- Brahmpur, Dist- Buxar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 22-05-2023 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. 1199(C) of 2019, in which cognizance has been taken under Section 498(A) of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The marriage of the petitioner is stated to have been solemnized with the complainant on 18.05.2014 as per the Hindu rites and rituals, whereafter the complainant had gone to her matrimonial home, however, subsequently, the accused persons including the petitioner herein started demanding a four-wheeler vehicle although, at the time of marriage,



Rs. 8,50,000/- in cash, one motorcycle etc. were given to the petitioner and his family members. It is further alleged that subsequently, on account of non-fulfilment of the demand for dowry, the accused persons including the petitioner herein tried to kill the petitioner, assaulted her and finally, she was ousted 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 he 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 Chief Judicial Magistrate, Buxar in connection with Complaint



Case No. 1199 (C) of 2019, within a period of six 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)

rinkee/-

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

