

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5991 of 2023

Arising Out of PS. Case No.-126 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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BHARAT PRASAD S/o Late Bhagwat Mahto R/o Village- Piparakhurd, P.S.- Akbarpur, District Nawada (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Devi W/o Bharat Prasad, D/o Late Jago Mahto, R/o Village- Pipra, P.S.- Akbarpur, District- Nawada at present Village-Bareb, P.S. Akbarpur, District-Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Nagendra Prasad

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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 A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 126 of 2017, registered for the offence punishable under Section 498(A)/34 of the Indian Penal Code.

The marriage of the petitioner is stated to have been solemnized with the complainant on 17.5.2013, as per Hindu rites and rituals and during the course thereof, several gifts and jewellery were given to the petitioner and his family members, whereafter, a child was born out of the said wedlock, however, subsequently, the petitioner and his family members started



demanding dowry and on account of non-fulfillment of the same, they started torturing and assaulting the complainant and finally, they ousted her from her matrimonial home.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is ready and willing to keep her wife with due honour and dignity and is also willing to participate in any mediation proceedings to be initiated by the learned court below with a view of amicably settle the matrimonial dispute in question.

Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioner and his wife i.e. 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 petitioner, I deem it fit and proper to direct the petitioner to surrender before the learned court of SDJM, Nawada, in connection with Complaint Case No. 126 of 2017, 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.

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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