

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4225 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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DEEP NARAYAN KUMAR Son of Chandar Sharma R/V- Bhardhary Ward
no. 39, P.S and Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Priya Wife of Deep Narayan, D/o Late Dashrath Sharma r/o- Baingha
by pass Road Ward no. 3, P.S and Dist- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subesh Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 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. 60(C)/ 2022, registered for

the offence punishable under Sections 323, 498(A)/34 of the

Indian Penal Code.

The marriage of the petitioner is stated to have been

solemnized with the complainant on 10.07.2016 as per Hindu

rites and customs, during the course whereof, several articles

including cash, ornaments, motorcycle etc. were given,

whereafter the complainant had gone to her matrimonial home

and then she had, subsequently given birth to a male child but



thereafter, the petitioner and other accused persons started torturing her 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 Judicial Magistrate- 1st class, Saharsa in connection with Complaint Case No. 60 (C) of 2022, 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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