

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7387 of 2023

Arising Out of PS. Case No.-1082 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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AJAY KUMAR Son of Late Surendra Sharma Resident of Village - Math
Laxsman Pur, Koiri Tola, P.S.- Gulzarbagh, Thana - Aalamganj, Distt.- Patna,
Bihar, Pin Code - 800007.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niru Kumari Wife of Ajay Kumar R/o - NMCH Nurse Quarter, P.O.-
Gulzarbagh, Thana - Aalamganj, Distt.- Patna, Bihar, Pin Code - 800007.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
	:	Mr. Nishant Kr. Sinha, Advocate
For the Opposite Party/s	:	Ms.Shaheen Begum, APP
For the informant	:	Mr. Parmeshwar Vishwakarma, Advocate

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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. 1082/ 2021, registered for
the offence punishable under Sections 498(A) of the Indian
Penal Code and 3/4 of Dowry Prohibition Act.

The marriage of the petitioner is stated to have been
solemnized with the complainant on 21.12.2013/ 13.12.2014,
whereafter she had gone to her matrimonial home and out of the
wedlock, three children were born, however, subsequently, she
was tortured and driven out of 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 settle 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, Patna City, Patna in connection with Complaint Case No. 1082 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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