

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6075 of 2023

Arising Out of PS. Case No.-89 Year-2021 Thana- MAHILA P.S. District- Rohtas

AJIT KUMAR Son of Late Ashok Kumar Resident of Mohalla - Khilanganj,
Chaukhandi-Path, Sasaram, P.S.- Sasaram (Town), District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari @ Jyoti Kumari Daughter of Shashi Kant Singh @ Munna
Saw Resident of Mohalla - Sapullahganj, P.O.- Sasaram, Ward No.- 21, P.S.-
Sasaram (Town), District - Rohtas at Sasaram.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 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 Mahila PS case no. 89 of 2021, registered for
the offence punishable under Section 498(A) and other allied
sections of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act.

The marriage of the petitioner is stated to have been
solemnized with the informant on 27.04.2021 as per Hindu rites
and rituals, whereafter the informant had gone to her
matrimonial home, however, subsequently, the accused persons
including the petitioner herein had threatened the informant that



the petitioner would perform second marriage and if required, even third marriage, whereafter they had also demanded a sum of Rs. 20 lacs by way of dowry and on account of non-fulfilment of the same, the petitioner was assaulted and 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 is having a clean antecedent. The petitioner is stated to be accused on one another case but he is on bail in the said case. 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, Sasaram, Rohtas in connection with



Mahila PS Case No. 89 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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