

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5951 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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GOVIND SAH Son of Late Mahesh Sah R/V- Araria, P.S- Kundwa Chainpur
Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajan, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

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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.

The petitioner apprehends his arrest in connection with Kundwa Chainpur P.S. Case No. 58 of 2022 registered for the offences punishable under Sections 341, 323, 379, 498(A), 504, 494 and 34 of the Indian Penal Code.

The marriage of the petitioner is stated to have been solemnized with the informant on 21.04.2014, as per the Hindu rites and rituals whereafter three children were born out of the said wedlock, however, subsequently on account of certain disputes having arisen between the



informant and the petitioner and his family members as also they having started demanding a sum of Rs. five lacs by way of dowry, the accused persons are alleged to have engaged in torturing the informant and finally she is stated to have been 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. The learned counsel for the petitioner has further submitted that the petitioner is not only ready and willing to keep his wife with due honour and dignity but he is also ready to participate in any mediation proceeding to be initiated by the learned trial court so that the matrimonial dispute can be settled amicably.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

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 Additdional Chief Judicial Magistrate-Sikrahna (Dhaka), East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 58 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 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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