

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6357 of 2023

Arising Out of COMPLAINT CASE No.-56 Year-2022 District- Rohtas

Kishor Kumar S/O Late Narbadeshwar Prasad, resident of Village- Sisaundha, P.S.- Dhansoi, District- Buxar, at present posted as Assistant Teacher of Mahabal Bhrigunath High School, Korigawa, Bahera, P.S.- Sonha, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Devi W/O Kishor Kumar, D/O Vinod Prasad Sriwastava Resident of Village- Sisaundha, P.S.- Dhansoi, District- Buxar at present reside at Mahabir Asthan, Ward No.- 5, Sasaram, P.S.- Sasaram, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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 Complaint Case No.56 of 2022, registered for the offences punishable under Sections 498(A), 323, 325, 34, 384 of the Indian Penal Code and 3/4 of the Dowry of Prohibition Act, but cognizance has been taken only under Section 498-A and 323 of the Indian Penal code.

The case of the complainant, in brief, is



that the marriage of the petitioner is stated to have been solemnized with the complainant on 05.05.2015, whereafter the complainant had gone to her matrimonial home and during the interregnum period, two children were born out of the said wedlock, however, subsequently, the accused persons including the petitioner herein started demanding dowry from the complainant and on account of non-fulfilment of the same, she along with her children was 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 case and he 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 as also is ready to participate in any mediation proceeding to be conducted by the learned Trial Court for the purposes of amicable settlement of the matrimonial disputes.

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, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of Sub-Divisional Judicial Magistrate, Rohtas at Sasaram in connection with Complaint Case No.56 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 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 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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