

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7365 of 2023**

Arising Out of PS. Case No.-215 Year-2020 Thana- PATNA COMPLAINT CASE District-  
Patna

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MUKESH KUMAR S/o Sudeshwar Verma R/o village- Lai Brahmsthani P.S.-  
Bihta, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punita Kumari W/o Sri Mukesh Kumar R/o Lai Brahamsthani, P.S.- Bihta,  
Distt- Patna. D/o Nagendra Prasad R/o Village- Deokuli, P.S.- Bihta, Distt-  
Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Usha Kumari Singh, Advocate  
For the Opposite Party/s : Mr.Khurshid Anwar, 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 APP for the State.

This is an application for grant of anticipatory bail in  
connection with Complaint Case No. 215/2020, registered for  
the offence punishable under Sections 498(A) of the Indian  
Penal Code and Section 3/4 of Dowry Prohibition Act.

The marriage of the petitioner is stated to have been  
solemnized with the complainant on 22.11.2019 as per Hindu  
rites and rituals, whereafter the complainant had gone to her  
matrimonial home, however, subsequently, demand of dowry  
was made and on account of non-fulfillment of the same, the  
complainant was tortured and finally 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. 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 Judicial Magistrate- 1<sup>st</sup> class, Danapur in connection with Complaint Case No. 215 of 2020, 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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