

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16129 of 2023

Arising Out of PS. Case No.-46 Year-2020 Thana- AMAS District- Gaya

AMARESH KUMAR Son of Ramswarup Paswan Resident of Village- Bhagewar Tola, Fatuachak, P.S.- Hantenrganj, District- Chatra, State- Jharkhand

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi Wife of Amaresh Kumar Resident of Village- Bhagewar, Tola Fatuachak, P.S.- Hanterganj, District- Chatra, State- Jharkhand. At present reside D/O Late Kali Paswan, resident of Village- Krmaien, P.S.- Amas, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Saxena, Advocate
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-05-2023 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Amas P.S. Case No. 46 of 2020 registered for the offences punishable under Sections 498(A)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The marriage of the petitioner was solemnized with the informant on 02.06.2013, whereafter the informant had gone to her matrimonial home, however, subsequently the accused persons including the petitioner herein



started torturing her on account of non-fulfillment of the demand for dowry and thereafter, the informant was ousted from her matrimonial home. It has also been alleged that the petitioner has solemnized second marriage.

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 Additional Chief Judicial Magistrate-Sherghati, Gaya, in connection with Amas P.S. Case No. 46 of 2020, within a period of six 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 below.

In the meantime, for a period of six 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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