

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14789 of 2023**

Arising Out of PS. Case No.-634 Year-2021 Thana- KHAGARIA District- Khagaria

Rajesh Malakar S/O Ganesh Malakar R/v- Kamalpur, P.S.- Khagaria, District-  
Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Kumari R/v- Jamalpur, P.S.- Gogari, District- Khagaria

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      23-05-2023                      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 Khagaria P.S. Case No.634 of 2021, corresponding to G.R. No.2558 of 2021, registered for the offence punishable under Section 498(A) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The case of the informant, in brief, is that the marriage of the petitioner was solemnized with the informant on 13.02.2019 and out of the said wedlock, a daughter was born, however,



subsequently, the accused persons including the petitioner herein started torturing the informant on account of non-fulfilment of the demand for dowry and thereafter, she 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.

*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, Khagaria in connection with Khagaria P.S. Case No.634 of 2021, corresponding to G.R. No.2558 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 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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