

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16262 of 2023

Arising Out of PS. Case No.-163 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

ENGINEER RAJ KAMAL @ ENGG. RAJ KAMAL @ RAJ KAMAL Son of
Naresh Kumar Yadav Resident of Nilkanthnagar, Prabhawati Lane, P.S.-
Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sushma Kumari Wife of Engineer Raj Kamal @ Engg. Raj Kamal @ Raj
Kamal D/o Anjani Kumar Yadav, Resident of New Shimpuri Colony, P.S.-
Tilkamanjhi, District - Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Complaint Case No. 163 of 2021, registered for
the offence punishable under Section 323, 504, 498A, 34 of the
Indian Penal Code.

The marriage of the petitioner is stated to have been
solemnized with the complainant on 8.5.2019, as per Hindu rites
and rituals, whereafter the complainant had gone to her
matrimonial home, however, subsequently, a demand of Scorpio
vehicle was made and on account of non-fulfillment of the



same, the petitioner and other accused persons had harassed the complainant and ousted her from her matrimonial home.

The learned counsel for the petitioner submits 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 ready and willing to keep her wife with due honour and dignity and is also willing to participate in any mediation proceedings to be initiated by the Court below with a view to amicably settle the matrimonial dispute in question.

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 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 Judicial Magistrate, 1st Class, Bhagalpur, in connection with Complaint Case No. 163 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 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)

Ajay/-

U		T	
---	--	---	--

