

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16153 of 2023

Arising Out of PS. Case No.-355 Year-2021 Thana- LAUKAHA District- Madhubani

Kamlesh Paswan @ Kamlesh Kumar Paswan son of Ram Bilas Paswan
Resident of Narayanpur PS- Laukaha Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mritunjay Kumar Jha, Advocate Mr. Sanjay Kumar, Advocate
For the State	:	Mr.Sucheta Yadav, APP
For O.P. No.2	:	Mr. Bhavesh Kumar Sha, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-05-2023 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 Laukaha P.S. Case No.355 of 2021, corresponding to G.R. No.1855 of 2021, registered for the offences punishable under Sections 341, 323, 498A, 494, 504/34 of the Indian Penal Code and Sections 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 in the year 2018, as per Hindu rites and rituals, during the course whereof,



several gifts, cash amount and ornaments were given by the parents of the informant to the petitioner and his family members, whereafter the informant had gone to her matrimonial home, however, after sometime, the accused persons including the petitioner herein had started demanding dowry and on account of non-fulfilment of the same, she 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 he is having a clean antecedent. It is further submitted that the petitioner is not only ready and willing to keep his wife with due honour and dignity but is also agreeable to participate in any mediation proceedings to be conducted by the learned Trial Court.

Per contra, the learned APP for the State and learned counsel for the informant have though vehemently opposed the prayer for bail, however have 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 SDJM, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No.355 of 2021, 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 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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