

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47953 of 2023

Arising Out of PS. Case No.-1047 Year-2021 Thana- COMPLAINT CASE District- Jamui

RAJIV KUMAR MAHTHA Son of Khelu Pasi @ Khelu Mahtha Resident of
village - Barmasiya, P.S. - Jhajha, Distt. - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi D/o Guljari Chaudhary Resident of village - Babudih, P.s. -
Sono, Distt. - Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection
with Complaint Case No.1047(C) of 2021, registered for the
offences punishable under Sections 323 and 498(A) of the
Indian Penal Code and Sections 3 and 4 of Dowry Prohibition
Act.
3. The case of the complainant, in brief is that, her
marriage was solemnized with the petitioner on 03.03.2014, as
per Hindu rites and rituals, whereafter she had gone to her
matrimonial home, however, subsequently, the accused persons,
including the petitioner herein had started demanding a sum of
Rs.4,00,000/-, by way of dowry. It is also alleged that



subsequently, she had given birth to a female child and then the pressure for fulfilling the demand for dowry, at the behest of the accused persons, had increased and on account of non-fulfillment of the demand for dowry, the complainant was tortured and finally she was ousted from her matrimonial home.

4. 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, by referring to paragraph no.7, of the present petition, that the petitioner is ready and willing to keep his wife, with due honor and dignity and for the said purposes, he is also ready to participate in mediation proceedings, if any, to be initiated by the learned Court below, in order to resolve the matrimonial disputes amicably.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, 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 S.D.J.M., Jamui, in connection with Complaint Case No.1047(C) 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 amicably.

7. 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 bail petition by the learned court below.

8. In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.

9. The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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