

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40795 of 2023

Arising Out of PS. Case No.-1465 Year-2019 Thana- COMPLAINT CASE District- Jamui

Chandan Kumar S/O Late Suresh Mahto R/O Village- Bhatui, P.S- Mananpur,
Distt.- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonam Kumari @ Rajpati Kumari W/O Chandan Kumar, Daughter of
Surendra Mahto, R/O Village- Neem Nawada, P.S- Jamui, Distt.- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate
For the State : Mr.Parmanand Prasad, 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.1465 (C) of
2019, in which cognizance has been taken under
Section 498A of the Indian Penal Code and Section
3/4 of the Dowry Prohibition Act.
3. The case of the complainant, in brief, is
that her marriage was solemnized with the
petitioner on 21.07.2018, as per Hindu Rites and
Rituals, whereafter she had gone to her
matrimonial home and subsequently the accused



persons, including the petitioner herein, started demanding dowry to the tune of Rs.3 lakh and on account of non-fulfillment of the same, she was tortured, harassed and then thrown out of 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.12 of the present petition, that the petitioner is ready and willing to keep his wife i.e. the opposite party no. 2-complainant with due honour and dignity and he is also ready to participate in mediation proceedings, if any, to be initiated by the Ld. 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 Sub Divisional Judicial Magistrate, Jamui, in connection with Complaint Case No.1465 (C) of 2019, 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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