

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41838 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAHILA PS District- Buxar

Shambhu Choudhary @ Shambhu Kumar Chaudhary @ Shambhu Kumar Choudhary son of Daya Shankar Chaudhary Village- Naseerpur Ps- Rawatipur Dist- Gajipur U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neha Devi wife of Shambhu Choudhary @ Shambhu Kumar Chaudhary Village- Sonapa Ps- Rajpur Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the State	:	Mr.Sunil Kumar Pandey, 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 Buxar Mahila P.S. Case No.13 of 2023, registered for the offences punishable under Sections 323, 498A, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.
3. The case of the informant, in brief, is that her marriage was solemnized with the petitioner on 05.06.2022, as per Hindu rites and rituals, wherein a sum of Rs.3 lakh and lots of gifts were given to the accused persons and the



petitioner, whereupon, she had gone to her matrimonial home, however, after sometime, the accused persons, including the petitioner herein, started demanding a motorcycle and on account of non-fulfillment of the said demand, the informant was harassed and finally, 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.9 of the present petition, that the petitioner is ready and willing to keep his wife i.e. the opposite party no. 2-informant 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 SDJM, Buxar, in connection with Buxar Mahila P.S. Case No.13 of 2023, 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 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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