

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45541 of 2023

Arising Out of PS. Case No.-1492 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Mukesh Kumar Singh son of Raj Kumar Singh Village- Rajwa Ps-Bangra
Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari wife of Mukesh Kumar Singh Village- Rajwa Ps- Bangra
Tajpur Dist- Samastipur Present residing of village- Pakari Ps- Sakra Dist-
Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Barj Kishore Sharma, Advocate
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. Heard the learned counsel for the
petitioner and the learned APP for the State.
2. This is an application for grant of
anticipatory bail in connection with Complaint Case
No.1492 of 2020, registered for the offence
punishable under Section 498(A) of the Indian
Penal Code and Section 4 of the Dowry Prohibition
Act.
3. The case of the prosecution, in brief, is
that the marriage of the petitioner is stated to
have been solemnized with the complainant in the
year 2016, whereafter the complainant had gone



to her matrimonial home, however, after sometime, the accused persons, including the petitioner herein, started demanding dowry in the form of a motorcycle and on account of non-fulfilment of the same, the complainant was tortured and finally, she was ousted from her matrimonial home along with her minor child.

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 that the petitioner is not only ready and willing to keep his wife along with her child with due honour and dignity but is also agreeable to participate in any mediation proceedings to be conducted by the learned Trial Court.

5. *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 complainant to the mediation process so that the matrimonial dispute in question can be settled



amicably.

6. 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 Sub-Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No.1492 of 2020, 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.

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 anticipatory 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 petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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