

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45359 of 2023

Arising Out of PS. Case No.-366 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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GOVIND ROY son of Ghuran Roy Village- Samda Ps- Benipatti Dist-
Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari wife of Govind Roy Gaushata Chowk Ward no-6, PS-
Madhubani Town Dist- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, 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 A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with C.R. Case No. 366 of 2022 (T.R. No.
1708/2023), registered for the offences punishable
under Sections 323 and 498A of the Indian Penal
Code.
3. The allegation is regarding the marriage
of the complainant having been solemnized with
the petitioner on 11.12.2020 as per Hindu rites and
rituals, during the course whereof furniture,
utensils, ornaments, cash amount etc. were given



by the father of the complainant to the petitioner and his family members and then the complainant is stated to have gone to her matrimonial home, however, subsequently the petitioner and others started demanding dowry by way of making demand for a motorcycle and some gold coins and upon refusal to meet the said demands, the accused persons including the petitioner herein had tortured and harassed the complainant and ousted her from the 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 that the petitioner is ready and willing to keep his wife i.e. the complainant with due honour and dignity and he is also ready to participate in mediation proceedings, if any, to be initiated by the Ld. Trial Court, 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., Madhubani in connection with C.R. Case No. 366 of 2022 (T.R. No. 1708/2023), 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 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, earlier 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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