

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48502 of 2023**

Arising Out of PS. Case No.-1944 Year-2021 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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RUPAK KUMAR @ RUPAK KUMAR SINGH S/O NAGENDRA SINGH
R/O Village- Fatikwara, P.S- Desari, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rupam Kumari W/O Rupak Kumar @ Rupak Kumar Singh, D/O Dipak Singh R/O Village- Gajipur, P.O- Upkaul, P.S- Deseri, Distt.- Vaishali at Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-08-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

This is an application for grant of anticipatory bail

in connection with Complaint Case No.1944 of 2021, registered

for offences under Sections 498(A), 379 and 406 of the IPC and

Sections 3 and 4 of Dowry Prohibition Act.

The allegation is regarding the marriage of the

complainant having been solemnized with the petitioner on

17.05.2017, as per Hindu Rites and Customs, whereafter the

complainant had gone to her matrimonial home, however, after

some time the accused persons started demanding a sum of

Rs.10,00,000/-(Ten Lacs) and a Scorpio vehicle and on account



of non-fulfillment of demand for dowry, she was mentally and physically tortured and thereafter, she was ousted from her matrimonial home.

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 the paragraph no.7 of the present petition that the petitioner is ready and willing to keep her wife with full honor and dignity and is also ready to participate in any mediation proceeding, to be initiated by the learned Trial Court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No.1944 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.

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.

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

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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