

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48773 of 2023

Arising Out of PS. Case No.-858 Year-2009 Thana- PATNA COMPLAINT CASE District-
Patna

=====

BAIJU SAO SON OF SURESH SAO RESIDENT OF MOTIPUR PS
NAUBATPUR DIST PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. RUBI DEVI WIFE OF BAIJU SAO RESIDENT OF CHAILI TAND, PS-
ALAMGANJ, DIST- PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Mohan
For the Opposite Party/s : Mr.Sangeeta Sharma

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-08-2023 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel appearing

for the complainant.

2. This is an application for grant of anticipatory bail in

connection with Complaint P.S. Case No. 858 of 2009,

registered for the offence punishable under Sections 498(A),

323 of the Indian Penal Code and Section 4 of the D.P.Act.

3. The case of the complainant, in brief, is that her marriage

was solemnized with the petitioner on 21.4.2008, as per the

Hindu Rites and Customs, whereafter she had gone to her

matrimonial home, however, subsequently, the accused persons

including the petitioner herein started demanding a sum of Rs.



50,000/- and a scooty by way of dowry and on account of non-fulfillment of the same, the complainant was tortured and 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. 10 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 and the learned counsel appearing for the complainant have though opposed the prayer of the petitioner for grant of anticipatory bail, but have not denied the fact that it would be proper to relegate the parties to the mediation process so that the matrimonial dispute amongst them can be amicably settled.

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, Patna City, in connection with Complaint Case No. 858 of 2009, 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)

Ajay/-

U		T	
---	--	---	--

