

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48940 of 2023**

Arising Out of PS. Case No.-3425 Year-2013 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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CHHOTELAL GOND @ CHHOTE LAL SAH SON OF BHARAT GOND
R/O-RAMNAGAR, P.S.-VIJAYIPUR, DISTT.-GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. RANJEETA DEVI WIFE OF CHHOTELAL GOND @ CHHOTE LAL SAH R/O-RAMNAGAR, P.S.-VIJAYIPUR, DISTT.-GOPALGANJ. PRESENTLY AS DAUGHTER OF BIRENDRA GOND, R/O-GOPALPUR TOLA DEURWA, P.S.-BHOREY, DISTT.-GOPALGANJ

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Abhay Kumar Roy

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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 Case No. 3425 of 2013, registered for the offence punishable under Sections 498(A), 323 and 406 of the Indian Penal Code read with Section 3/ 4 of the Dowry Prohibition Act.

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



was solemnized with the petitioner in the month of April, 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 Hero Honda motorcycle and a fridge and on account of non-fulfillment of the same, the complainant was harassed, tortured and finally, ousted from her matrimonial home.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, but he is on bail in the said case. The learned counsel for the petitioner has further submitted, by referring to paragraph no. 16 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 Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Complaint Case No. 3425 of 2013 (Trial No. 718 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 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)

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