

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47801 of 2023

Arising Out of PS. Case No.-130 Year-2022 Thana- CHANAN District- Lakhisarai

CHANDAN KUMAR @ CHHOTU SON OF LATE MISHRI CHOUDHARY
@ NITYANAND CHOUDHARY R/O-GAURIPUR, P.S.-BIHPUR, DISTT.-
BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. UPENDRA SINGH SON OF LATE PRADEEP SINGH R/O-
BATTARAMPUR, P.O.-MANANPUR, P.S.-CHANAN, DISTT.-
LAKHISARAI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 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 Chanan P.S. Case No.130 of 2022,
registered for the offences punishable under
Section 498(A) and 34 of the Indian Penal Code
and Sections 3 and 4 of the Dowry Prohibition Act.
3. The case of the informant, in brief is
that, her marriage was solemnized with the
petitioner on 30.11.2017 as per Hindu rites and
rituals, during the course whereof, cash amount,



jewelry and other gifts were given to the accused persons and thereafter the informant is stated to have gone to her matrimonial home, however, subsequently, some disputes had erupted in between the accused persons and the informant, resulting in the accused persons trying to kill her and then she was ousted from 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.17, of the present petition, that the petitioner is ready and willing to keep his wife, with due honour and dignity and for the said purposes, he is also ready to participate in mediation proceedings, if any, to be initiated by the learned Court below, 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 A.C.J.M. 1st, Lakhisarai, in connection with Chanan P.S. Case No.130 of 2022, 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 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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