

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47766 of 2023

Arising Out of PS. Case No.-937 Year-2019 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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AJAY KUMAR S/O BHIKHARI THAKUR R/O Village- Kanti Ratanpura,
P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Kumari, D/o Bajendra Thakur, W/o Ajay Kumar, R/O Village-
Kanti Ratanpura, P.S- Kanti, Distt.- Muzaffarpur, At present R/O Village-
Mathiya Bariyarpur, P.O. Nakta P.S. Motipur, Dist-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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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 Complaint Case No.937 of 2019,
registered for the offences punishable under
Sections 498(A), 323, 504 and 34 of the Indian
Penal Code and Section 3 and 4 of Dowry
Prohibition Act.
3. The case of the complainant, in brief is
that, her marriage was solemnized with the
petitioner on 28.04.2017, whereafter she had gone
to her matrimonial home, however, subsequently,



the accused persons, including the petitioner herein had started demanding dowry and on account of non-fulfillment of the demand for dowry, 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.7, 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 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 Sub-Divisional Judicial Magistrate (West), Muzaffarpur, in connection with Complaint Case No.937 of 2019, 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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