

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54096 of 2023

Arising Out of PS. Case No.-1938 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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VIKASH KRISHNA MISHRA @ BIKASH KRISHNA MISHRA Son of Late
Gopi Krishna Mishra Resident of village - Goyamishra Lagma, PS. -
Ghanshyampur, Distt. - Darbhanga, at present residing at Second Floor,
Radhaswami Apartment, Abhiyanta Nagar, P.S. - Rupaspur, Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Mishra @ Priyanka Kumari Wife of Vikash Krishna Mishra @
Bikash Krishna Mishra, D/o Digambar Pathak Resident of village -
Vidyapati Nagar, P.S. - K. Hat, Distt. - Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha, Advocate
For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail
in connection with Complaint case no. 1938 of 2022, registered
for the offences punishable under Section 498A and other allied
sections of the Indian Penal Code.
3. The case of the complainant in brief is that her
marriage was solemnized with the petitioner as per the Hindu
rites and rituals, whereafter she had gone to her matrimonial
home, however, after some time, the attitude of the accused
persons including the petitioner herein, who is the husband of



the complainant, got changed and they started misbehaving with her. It is also alleged that after some, the accused persons started demanding Rs. 5 lac by way of dowry and on account of non-fulfilment of the said demand, she was tortured, harassed and finally 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 is having a clean antecedent. The learned counsel for the petitioner, by referring to paragraph no. 15 of the present petition, has submitted that the petitioner has always tried to restore the matrimonial relationship and is still ready to keep his wife with due honour and dignity and for the said purpose, he is ready and willing to participate in any mediation proceedings, to be initiated by the learned trial court for the purposes of amicable settlement of the matrimonial dispute in question.

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

6. 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 in the case dairy, I deem it fit and proper to grant liberty to the



petitioner to surrender before the learned court of Judicial Magistrate-1st class, Purnea in connection with Complaint Case No. 1938 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 complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes between them.

7. The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to be 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.

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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