

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53886 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- BENIPATTI District- Madhubani

HIMANSHU SHEKHAR SON OF GULAB MISHR @ GULAB MISHRA
RESIDENT OF VILLAGE - KESHOPUR (PURA), P.S. - PUPRI, DISTRICT
- SITAMARHI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHIVANI JHA WIFE HIMANSHU SHEKHAR, DAUGHTER OF KAMAL NARAYAN JHA RESIDENT OF VILLAGE - KESHOPUR (PURA), P.S. - PUPRI, DISTRICT - SITAMARHI AND PRESENT ADDRESS - BANKATTA, P.S. - BENIPATTI, DISTRICT - MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kahkashan Alam
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-08-2023 Heard the learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel appearing for the informant.

2. This is an application for grant of anticipatory bail in connection with Benipatti P.S. Case No. 83 of 2022, registered for the offence punishable under Sections 341, 323, 504, 506, 498A, 379/34 of the Dowry Prohibition Act and Section 3/ 4 of the Dowry Act.

3. The marriage of the informant is stated to have been solemnized with the petitioner on 4.7.2018 as per Hindu Rites and Rituals, whereafter the informant had gone to her



matrimonial home, however, subsequently, the accused persons including the petitioner herein started demanding a sum of Rs. 10,00,000/- by way of dowry and on account of non-fulfillment of the same, the informant along with her child was 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. 14 of the present petition, that the petitioner is ready and willing to keep his wife i.e. the informant 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 informant 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 Additional Chief Judicial Magistrate, 1st, Madhubani, in connection with Benipatti P.S.Case No. 83 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 informant-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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