

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54064 of 2022**

Arising Out of COMPLAINT Case No.-34 (C) Year-2022 District- East Champaran

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Pankaj Kumar Son of Rajeev Prasad Sah, resident of Lower Nathnagar Road,
Opposite to the Christian Graveyard, Jagdishpur, P.S.- University Police
Station, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari Wife of Pankaj Kumar Resident of House No.-6G, Ward No.-
11, Near Kali Mandir, Raxaul, P.S.- Raxaul, District- East Champaran, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ankit Katriar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

5 22-05-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

This is an application for grant of
anticipatory bail in connection with Complaint Case
No.34(C) of 2022, registered for the offence
punishable under Section 498(A) of the Indian
Penal Code.

The case of the prosecution, in brief, is



that the marriage of the petitioner is stated to have been solemnized with the complainant on 26.04.2021, as per the Hindu rites and rituals, whereafter the complainant had gone to her matrimonial home, however, the accused persons, including the petitioner herein, started demanding a four-wheeler vehicle by way of dowry and on account of non-fulfilment of the same, the complainant was tortured and finally, she was ousted from her matrimonial home.

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. It is further submitted that the petitioner is not only ready and willing to keep his wife with due honour and dignity but is also agreeable to participating in any mediation proceedings to be conducted by the learned Trial Court.

Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioner and his wife i.e. the



informant to the mediation process so that the matrimonial dispute in question can be settled amicably.

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 on record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of Sub-Divisional Judicial Magistrate, Raxaul at Motihari in connection with Complaint Case No.34(C) 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.

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 anticipatory bail petition by the learned court below.

In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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