

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69879 of 2022

Arising Out of PS. Case No.-98 Year-2017 Thana- MANJHAGARH District- Gopalganj

SANTOSH MAHTO Son of Guli Mahto Resident of village - Barhoga Kothi,
P.S.- Jamo Bazar, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Santosh Mahto Daughter of Chandrma Mahto, Resident of village - Kolhua, P.S.- Majha, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Majhagrah P.S. Case No. 98 of 2017, registered for the offence punishable under Sections 498A/406 of the Indian Penal Code.

The marriage of the complainant is stated to have been solemnized with the petitioner on 14.3.2022, according to Hindu Rites and Rituals, whereafter the informant had gone to her matrimonial home, however, subsequently, she was tortured on account of non-fulfillment of the demand for dowry and finally, the petitioner and other accused persons had ousted her from her



matrimonial home.

The learned counsel for the petitioner submits 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 that not only the petitioner is ready and willing to keep his wife with due honour and dignity but is also ready to participate in any mediation proceedings to be initiated by the learned Trial Court for the purposes of settlement of the matrimonial dispute in question amicably.

Per contra, the learned APP for the State as also the learned counsel for the informant have though vehemently opposed the prayer for grant of anticipatory bail, however, they do not have any objection in case the parties are relegated to the mediation process.

Having regard to the facts and circumstances of the case and 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, Gopalganj, in connection with Majhagarh P.S. Case No. 98 of 2017, 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 in between them amicably.

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 present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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