

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69777 of 2022

Arising Out of PS. Case No.-1300 Year-2018 Thana- BUXAR COMPLAINT CASE District-
Buxar

=====

AMIT GIRI S/O SUNIL GIRI Resident of village- Jalilpur, P.S.- Rajpur,
District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAROJAN DEVI W/O AMIT GIRI, Resident of village- Jalilpur, P.S.-
Rajpur, District- Buxar and at present address- D/o Late Mohan Goswami,
Resident of Village- Chhatnwar, P.S.- Krishnabrahm, District- Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Asha Kumari

=====

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 Complaint Case No. 1300(c) of 2018, registered for the offence punishable under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The allegation is regarding the marriage of the complainant having been solemnized with the petitioner on 23.11.2008. It is also alleged by the complainant that subsequently, two children were born out of the said wedlock, however, certain matrimonial issues had cropped up in between



the petitioner and the complainant resulting in lodging of the said complaint. Lastly, it is alleged that on account of non-fulfillment of the demand for dowry, the petitioner and his family members had tortured the complainant and 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 the petitioner is ready and willing to keep his wife with due honour and dignity although it is a fact that one of the children is staying with the petitioner while the other one is staying with the complainant, apart from him being ready to participate in any sort of mediation proceedings to be initiated by the learned Trial Court.

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 Chief Judicial Magistrate, Buxar, in connection with Complaint Case No. 1300 (c) of 2018, 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)

Ajay/-

U		T	
---	--	---	--

