

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70351 of 2022

Arising Out of PS. Case No.-2807 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

MD. SAKIL @ SONU S/o Md. Jamil R/v- Paithan Tola, Bidupur, P.O. and
P.S.- Bidupur, District- Vaishali Presently residing at village- Lodhi Katra,
Patna City, P.O.- Lodhi Katra, P.S.- Lodhi Katra, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHAMA PRAVIN @ SONI W/o Md. Sakil @ Sonu D/o Md. Sahabuddin
resident of village- Lodhi Katra, Patna City, P.O.- Lodhi Katra, P.S.- Lodhi
Katra, District- Patna Presently residing at village- Harinath Nagar, Gali No-
2, P.S.- Town, District- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey,Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 2807(C) of 2015 registered for the offences punishable under Sections 498(A), 406, 323 and 504 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The marriage of the petitioner is stated to have been solemnized with the complainant on



26.03.2007, whereupon two children are stated to have been born out of the said wedlock, however, subsequently, the petitioner and other co-accused persons are stated to have engaged in torturing the complainant on account of non-fulfillment of the demand for dowry and subsequently the complainant and her children were ousted from the matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is not only ready to keep his wife with due honour and dignity but he is also ready to participate in any mediation proceeding to be initiated by the learned trial court for the purposes of amicably settling the matrimonial dispute in question.

Per contra, the learned A.P.P. for the State as also the learned counsel for the complainant have though vehemently opposed the prayer for grant of anticipatory bail but are not averse to the



idea of the parties joining mediation proceeding for the purposes of amicably settling the matrimonial dispute in question.

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 S.D.J.M., Begusarai, in connection with Complaint Case No. 2807(C) of 2015, 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 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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