

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75017 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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VIKASH KUMAR YADAV @ VIKAS KUMAR Son of Suryadeo Yadav R/o
Village - Itwa, P.S.- Paraiya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Soniya Kumari Daughter of Rampati Yadav R/o Village - Rajpur, Post -
Sherghati, P.S.- Amas, District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 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. 426 of 2021 registered for the offence punishable under Section 498(A) of the Indian Penal Code.

The allegation is regarding the marriage of the petitioner having been solemnized with the informant on 29.4.2018 as per Hindu Rites and Rituals, however, subsequently, the accused persons including the petitioner herein, who is the husband of the informant, are alleged to have demanded dowry and on account of the non-fulfillment of the same, they had tortured the informant. It is also alleged that the petitioner has solemnized



second marriage. The informant is stated to have been ousted from the matrimonial home.

The learned counsel for the petitioner submits 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 ready and willing to keep her wife with due honour and dignity and it is wrong to allege that he has solemnized second marriage. The learned counsel for the petitioner has also submitted that the petitioner is ready to participate in any mediation proceeding, if so conducted in connection with the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 J.M. 2nd Class, Gaya, in connection with Complaint Case No. 426 of 2021, 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 be 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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