

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72441 of 2022

Arising Out of PS. Case No.-463 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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CHHOTU KUMAR RAJBANSHI @ CHHOTU KUMAR Son of Bindeshwar
Rajbanshi R/v- Dheuri, P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. MANISHA KUMARI Wife of Chhotu Kumar Rajbanshi, Daughter of Gauri Shankar Rajbanshi R/v- Hasanpura, P.S.- Narhat, District- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar,Advocate

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

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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.

The petitioner apprehends his arrest in connection with Complaint Case No. 463 of 2022 registered for the offences punishable under Sections 323 and 498A of the Indian Penal Code.

The marriage of the petitioner is stated to have been solemnized with the complainant on 15.05.2018, according to hindu rites and rituals and it is alleged that huge sum of money, gold articles and other articles were given by way of dowry. It is further alleged that after marriage the



complainant started living in her matrimonial home, however, the petitioner and other co-accused persons started demanding motorcycle and LED T.V. and on account of non-fulfillment of the same, the complainant was abused, assaulted and thrown out of 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. The learned counsel for the petitioner has further submitted that the petitioner is not only ready and willing 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 so that the matrimonial dispute can be settled amicably.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

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 Judicial Magistrate-1st Class, Nawada, in connection with Complaint Case No. 463 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 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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