

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.105 of 2023

Arising Out of PS. Case No.-1141 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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SONU SAW @ SONU KUMAR Son of Binod Saw @ Binod Prasad R/o
Mohalla- Gur ki Mandi, Guljarbagh, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. MONI DEVI W/o Sonu Saw @ Sonu Kumar, D/o Dilip Saw R/o Mohalla-
Meena Bazar Durgacharan Lane, Guljarbagh, P.S.- Alamganj, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-05-2023 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. 1141(C) /2018, registered for the offence punishable under Sections 498(A), 448, 323, 504/34 of the Indian Penal Code and Section 3/ 4 of the D.P.Act.

The marriage of the petitioner is stated to have been solemnized with the complainant on 19.11.2017 as per Hindu rites and rituals, whereafter the complainant had gone to her matrimonial home and out of the said wedlock, one child was born, however, the accused persons including the petitioner had subsequently started demanding a motorcycle and on account of



non-fulfillment of the demand for the said motorcycle, the complainant was tortured and subsequently, thrown out of her matrimonial home along with her child.

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 and is also willing to participate in any mediation proceedings to be initiated by the learned court below with a view to amicably settling the matrimonial dispute in question.

Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioner and his wife i.e. the complainant to the mediation process so that the matrimonial dispute in question can be settled amicably.

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 ACJM, Patna City, in connection with Complaint Case No. 1141(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 complaint-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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