

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14243 of 2016

Arising Out of PS.Case No. -48 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

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1. SUDHIR KUMAR@ SUDHIR SAH S/o Bashudev Sah Resident of
village - Lohianagar, P.S. Rosara, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Dauli Devi D/o Munilal Sah Mohalla - Ghoraiya Tol, Ward No. 12,
P.S. Rosara, District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Awdhesh Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 27-09-2016

The petitioner being husband of the informant is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 494, 326, 379, 323 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of dowry demand and performing second marriage.

The matter was referred to the Mediation & Conciliation Centre of the Bihar State Legal Services Authority on the joint prayer of the parties vide order dated 20.07.2016. The interim report of the Mediator dated 26.09.2016 reflects that the prayer has been made for extending the period of mediation.

It is submitted by learned counsel for the petitioner that now the petitioner is no longer interested to get

the issue further mediated though in para 8 of the petition as well as in para 3 of the supplementary affidavit there was clear stipulation that petitioner is ready to keep the informant with dignity and honour. Para 8 of the petition reads as follows:-

“That it is also submitted
that petitioner is ready to keep the informant
with full dignity and honour”

It is submitted by learned counsel for the informant that informant is still ready to resume the conjugal life.

Considering the inconsistent stand of the petitioner and the refusal to participate before the Mediation Centre in spite of willingness of the informant for resumption of the conjugal life, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Let learned Court below consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Mahila P.S. Case No. 48 of 2014, pending in the Court of learned Chief Judicial Magistrate, Samastipur.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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