

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39055 of 2015

Arising Out of PS.Case No. -1018 Year- 2014 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Mahavir Kumar, S/o Sri Raghu Nath Prasad, Resident of Mohalla Nayee Bazar, P.S. Bhagwanpur Bazar, District Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jyoti Devi @ Soni W/o Mahavir Kumar, D/o Lal Babu Agrhari, Resident of Mohalla Nayee Bazar, P.S. Bhagwanpur Bazar, District Saran at Chapra presently residing at Mohalla Akharaghat Road, near G.D. Mother School, P.S. Nagar in the town and District of Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma
For the Opposite Party/s : Mr. M.K. Khare, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 22-02-2016 Heard counsel for the petitioner as well as counsel for
opposite party no. 2, who is the wife of the petitioner.

Petitioner apprehends his arrest in connection with
Complaint Case No. 1018 of 2014 registered under Section 498A
of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

The marriage was solemnized between them on
04.10.2011. The wedlock produced one daughter. The complainant
has alleged that she was tortured by the husband. On the other
hand, the petitioner states that an application for restitution was
filed by him which was decreed exparte. The petitioner is always
ready and willing to live with his wife and to provide safety and
due respect a wife commands. If the matter is allowed to be
conciliated, there is every chance of settlement of the matrimonial

discord. Counsel for the opposite party no. 2 has also taken the similar stand.

Considering these facts, the application is disposed of by the following conditions:-

Let the petitioner surrender in the court below within a period of four weeks from today whereafter, he shall be released on provisional bail for a period of two months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Magistrate, Muzaffarpur in connection with Complaint Case No. 1018 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C. Along with the bail bond, the document showing deposit/payment of Rs.1500/- in favour of the complaint/ wife shall also be enclosed, which the complaint shall be entitled to withdraw.

The Court in seisin of the matter shall refer the case to the Mediation Centre for resolution of the matrimonial discord. The counsel for the opposite party no. 2 also undertakes to appear before the learned court below and participate in the conciliatory process. Depending upon the result of the conciliation/ mediation, the Court below shall either confirm or refuse to confirm the provisional bail and reject the application.

(Kishore Kumar Mandal, J)

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