

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5821 of 2017

Arising Out of PS.Case No. -133 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Sanjay Kumar, Son of Sri Yugal Kishor Prasad, Resident of Village-
Jorarpur, Police Station- Deep Nagar, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. Khushbu Kumari, W/o Shri Sanjay Kumar and daughter of Shri
Ramsharay Prasad, Resident of Mohalla- Hajipur, P.S. - Biharsharif,
District- Nalanda

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Navendu Kumar, Adv.

For the Opposite Parties : Mrs. Veena Kumari Jaiswal, APP 147

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-02-2017

This is an application under Section 482 of the Criminal Procedure Code praying therein to quash the entire criminal proceeding arising out of Biharsharif Mahila P.S. Case No. 133 of 2016 lodged by opposite party no. 2, Khushbu Kumari, for offence under Sections 498A, 323 and 504/34 of the Indian Penal Code and 3 and 4 of the Dowry Prohibition Act.

According to first information report, opposite party no. 2 has alleged that she was married with the petitioner on 10.07.2016 and, thereafter, the in-laws started her torturing physically and mentally for bringing more money from her parents. There is some specific allegation against the petitioner of torture and non-restoration of conjugal life.

Considering the allegation against the petitioner, based on first information report, I am of the view that this is not a fit case for quashment of the first information report, hence, this application is **dismissed** as devoid of any merit.

The petitioner submits that a case for restitution of conjugal life vide Matrimonial Case No. 251 of 2016 has been



filed by the petitioner against opposite party no. 2 in the Court of the learned Principal Judge, Family Court, Nalanda at Biharsharif. He, further, submits that learned Sessions Judge has refused prayer for anticipatory bail without taking any step for mediation.

Hence, considering the aforesaid submission for substantial justice, it is directed that in the event of surrender of the petitioner and prayer for regular bail, the Court below shall consider that there is scope for reconciliation and may grant provisional bail to the petitioner and take appropriate step for mediation between the parties and, thereafter, shall pass appropriate order on the bail matter.

(Birendra Kumar, J)

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