

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74326 of 2018

Arising Out of PS. Case No.-1046 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Anand Kumar @ Anand Kumar Chaurasiya, Son of Hiranman Prasad Chaurasiya, Resident of Village- Satbhidwa, P.S.-Majhauiliya, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Kumari, Daughter of Late Rajendra Prasad Chaurasiya, Resident of Village- Chhatauni Ward no.18, P.S.-Chhatauni, District-East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and learned counsel appearing for the informant.

Yesterday the case was passed over on the ground that both the counsel representing the petitioner and the informant will explore the possibility of settlement and whether the parties are willing to settle the matter after interaction with their clients whether they are willing to settle the dispute or not they were required to inform the Court.

Today both the counsel have expressed willingness of their respective client to resolve their dispute.

Considering the aforesaid, the Court deems it fit and proper to refer the matter for mediation before the Mediation



Centre, Motihari, East Champaran. The mediation centre is required to take steps for settlement of the dispute between the husband and wife and submit a report on the outcome of the mediation in order to facilitate the parties to reach to an amicable settlement.

Keeping in view the nature of dispute and possibility of amicable settlement between the parties, this Court is inclined to grant provisional bail to the petitioner for a period of six months from today.

Accordingly, in the event of arrest or surrender before the court below within a period of one month from today, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, East Champaran at Motihari in connection with Complaint Case No. C-1046 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that wife (O.P. No.2) shall be one of the bailors, particularly in view of the fact that learned counsel representing the informant submits that informant is the wife of the petitioner and does not want to see the petitioner in custody rather she is interested in settlement of



the dispute and restoration of conjugal rights.

Considering the aforesaid, the court below is directed that after expiry of six months, on receipt of the report of the mediation centre, will assess the relationship of the wife and the husband and decide whether the provisional bail should be made absolute or be refused. In the event normalcy is restored, the court below is directed to make the provisional bail absolute; otherwise the court below is to take appropriate decision on failure of the mediation and restoration of normal life between the informant and the petitioner.

(Anil Kumar Upadhyay, J)

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