

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29296 of 2019

Arising Out of PS. Case No.-43 Year-2017 Thana- MAHILA P.S. District- Sheikhpura

NITISH KUMAR YADAV @ NITISH KUMAR Son of Shri Indradeo Yadav
Resident of Village - Vishanpur, P.S.-Kauakol, Distt - Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhinav Srivastava

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-08-2019 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned counsel for the State.

This application, for grant of anticipatory bail, arises
out of Sheikhpura Mahila No. 43 of 2017, disclosing offences
under Sections 498/34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

Petitioner happens to be husband of the informant and
allegation against him is of subjecting the informant to cruelty and
torture for non fulfillment of demand of dowry.

Earlier on submission of learned counsel for the
petitioner that he is ready to keep the informant – wife with full
honour and dignity, the matter was referred to Patna High Court
Mediation and Conciliation Center Patna, however, from the report
submitted by the learned Mediator, it appears that the mediation



between the party has failed.

Submission of learned counsel for the petitioner is that before the meditation, question of one time settlement arose, though the matter was referred on the submission that parties are willing to live with each other.

Learned counsel for the informant countered the submission of learned counsel for the petitioner and submitted that no such question arose and the mediation failed as the petitioner was not willing to keep the informant with himself.

Having heard both sides, considering the facts and circumstances as well as the conduct of the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may go to his wife and bring her back and, thereafter, surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will consider the aforesaid fact and will dispose of the prayer for bail of the petitioner, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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