

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28650 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- SARAN COMPLAINT CASE District-
Saran

=====

Dipak Rai @ Dipak Kumar Rai, Son of Shatrohan Rai, Resident of Village -
Shikarpur Hakma, P.S.- Bheldi, District - Saran at Chhapra, Bihar

... .. Petitioner

Versus

1. The State of Bihar
2. Pooja Kumari, Wife of Dipak Rai, Resident of Village - Shikarpur Hakma,
P.S.- Bheldi, District - Saran at Chhapra, Bihar at present D/O Late Marai
Rai, Resident of Village - Banni, P.O. - Nagra, , P.S.- Khaira, District - Saran
at Chhapra

... .. Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Yashraj Bardhan, Advocate
For the Opposite Parties : Mr. Sanjay Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 17-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No.321 of 2018 in which cognizance has been
taken for the offence punishable under Section 498A of the
Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that vide order dated 17.07.2019, the instant case was
referred for mediation by fixing date of appearance on
24.07.2010. Though the petitioner appeared with his counsel on
27.07.2019 and 08.08.2019, the opposite party no.2 remained



absent on both dates, but her counsel Nawal Kishore Singh, advocate was present. He submitted that no effort was made on behalf of the complainant to settle the dispute. Hence, learned Mediator submitted his report on 09.08.2019 holding that in absence of one party, no mediation could take place. Hence, the mediation failed. He further contended that the complainant always causes acrimony with family members and pressurizes the petitioner to live somewhere else, which is difficult for him in view of financial position and also the bonding with other family members. He submitted that there is no truth behind the allegation that the complainant was ever subjected cruelty for non-fulfilment of demand of Rs. 1 lakh.

On the other hand, learned counsel appearing for the State submitted that in the complaint, it has been alleged that the petitioner and other family members started demanding Rs.1 lakh from her in dowry. They also threatened that the petitioner would marry another girl if the demand is not fulfilled.

Be that as it may, regard being had to the nature of allegation as also the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of six weeks, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of the learned ACJM-X, Saran at Chhapra in connection with Complaint Case No.321 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

