

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38910 of 2019

Arising Out of PS. Case No.-1203 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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BITTU KUMAR SONI @ BITTU KUMAR Son of Bhagwan Sah @ Suresh Prasad Resident of Mohalla-Saketpuri Road no.3, P.S.-Patrakar Nagar, District-Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Usha Kumari @ Usha Devi Daughter of Surendra Kumar Sharma, Wife of Bittu Kumar Soni @ Bittu Kumar Resident of Mohalla-Tikia Toli, Devi Asthan, P.O. Mahendru, P.S.-Sultanganj, District-Patna.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 44026 of 2019

Arising Out of PS. Case No.-1203 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

- =====
1. BHAGWAN SAH @ SRI BHAGWAN SAH @ SURESH PRASAD Son of Late Harihar Sah Resident of Mohalla - Saketpuri Road No. 3, P.S.- Patrakar Nagar, District- Patna
 2. Sita Devi Wife of Bhagwan Sah @ Sri Bhagwan Sah @ Suresh Prasad Resident of Mohalla - Saketpuri Road No. 3, P.S.- Patrakar Nagar, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Usha Kumari @ Usha Devi Wife of Bittu Kumar Soni Daughter of Sri Bhagwan Sah @ Suresh Prasad, Resident of Mohalla - Tikia Toli, Devi Asthan, P.O.- Mahendru, P.S.- Sultanganj, District- Patna

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38910 of 2019)

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 44026 of 2019)

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

For the O. P. No. 2 : Mr. Alok Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioners in both the

applications and learned counsel representing opposite party no.



2 as well as learned APP for the State.

The petitioners in the present cases are seeking anticipatory bail in connection with Complaint Case No. 1203 (c) of 2017 in which cognizance has been taken under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner in Cr. Misc. No. 38910 of 2019 is the husband of opposite party no. 2. Learned counsel for the petitioner submits that the petitioner is presently working as a driver, he is a poor person and as such allegation against him that he was demanding aircondition like things are only flimsy allegations.

Learned counsel for the opposite party no. 2 submits that the opposite party no. 2 was assaulted by the petitioner and she has been thrown out from the matrimonial home and now she is not willing to live with the petitioner. Learned counsel for the opposite party no. 2 submits that the opposite party no. 2 would like to come out of the marriage with some sort of settlement with the petitioner.

In the aforesaid view of the matter, the records of Cr. Misc. No. 38910 of 2019 is being transferred to the Mediation Centre attached to this Court as prayed by learned counsel for



the parties to enable the parties to reach to an amicable settlement.

Let a report of the Mediation Centre be submitted to this Court by 25th of November, 2019. Both the parties shall appear before the Mediation Centre on 15th of October, 2019 at 11:00 a.m.

List this case on 28th of November, 2019.

In the meantime, no coercive action shall be taken against the petitioner (Cr. Misc. No. 38910 of 2019) in connection with Complaint Case No. 1203 (c) of 2017 pending in the court of learned S.D.J.M., Patna City.

In case the petitioner fails to appear and does not co-operate in the mediation, the court will view the same seriously.

So far as the petitioners in Cr. Misc. No. 44036 of 2019 are concerned, they are said to be the father-in-law and mother-in-law of opposite party no. 2 who have been earlier granted provisional bail by a learned co-ordinate Bench of this Court vide order dated 17.07.2019.

In the given facts and circumstances of the case where the opposite party no. 2 is looking for settlement with her husband, in view of what transpired in course of hearing, let provisional bail granted to the petitioners on 17.07.2019 in Cr.



Misc. No. 44026 of 2019 be confirmed. These two petitioners shall be allowed to continue on the same bail bonds. Cr. Misc. No. 44026 of 2019 stands disposed of.

(Rajeev Ranjan Prasad, J)

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