

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63546 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Saran

RISHIKESH TIWARI S/O- Mahatam @ Mahatam Tiwari R/O Village-
Dhobi, P.O.- Parari bazar, P.S.- Khukhundu, District- Deoria (U.P.)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pratibha Kumari @ Pratibha Devi W/O- Rishikesh Tiwari R/O Village-
Dhobi, P.O.- Parari Bazar, P.S.- Khukhundu, District- Deoria (U.P.) At
Present - D/O- Krishna Murari Mishra, R/O Village- Chandmari Durga
Colony, House of Uttam Rai, P.S.- Sonpur, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-06-2020 The present petition has been taken up for
consideration through the mode of Video Conferencing in view
of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner, the
learned A.P.P. for the State and the learned counsel for the
informant.

This is an application for grant of anticipatory bail
in connection with Sonpur (Mahila) PS case no. 04 of 2019
registered for the offences punishable under Sections 341, 323,
504, 498A, 506/34 of Indian Penal Code.

The case of the prosecution in brief is that the
marriage of informant was solemnized with the petitioner on



28.01.2013 as per Hindu rites and rituals, during the course whereof the father of the informant had given huge sums of money and motorcycle. Thereafter, the informant is stated to have gone to her in-laws place, where the on-goings were smooth for sometime, however subsequently, the accused persons including the petitioner herein started torturing and beating the informant for want of fulfilment of a demand of Rs. 2 lacs and lastly, he is stated to have kicked her out of her matrimonial home.

The learned counsel for the petitioner submits that though the petitioner is ready to keep her wife but the wife is adamant not to keep any relation with the petitioner. It is further submitted that the petitioner is still ready to sort out the matter and settle the matrimonial dispute.

Per contra, the learned counsel for the opposite parties have stated that if the matter is resolved in between the husband and the wife, there is no difficulty, however the petitioner should be put to terms.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and appropriate to dispose off the present petition with liberty to the petitioner to surrender



before the learned court below within a period of six weeks from today, whereupon he shall be released on provisional bail on the very same day by the learned court of S.D.J.M., Saran at Chapra in connection with Sonpur (Mahila) PS case no. 04 of 2019 upon such conditions as may be deemed fit and proper to be imposed by the learned court below.

It is further directed that the learned court below shall issue notice to the wife and try to resolve the matter in between the petitioner and his wife as also make all endeavours to settle the matrimonial disputes in question. It is further directed that once the mediation process is over, the learned court below shall take a final call with regard to either confirming or revoking the privilege of provisional bail to be granted to the petitioner herein depending on the outcome of the mediation proceedings as also upon applying its own independent mind on merits of the case, without being prejudiced by its earlier order or by any observation of this Court.

It is further directed that for a period of six weeks from today, the interim protection granted to the petitioner, by this Court by an order dated 18.10.2019, shall remain in force.



The petition stands disposed off with the aforesaid
directions.

(Mohit Kumar Shah, J)

rinkee/-

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

