

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70963 of 2019

Arising Out of PS. Case No.-31 Year-2017 Thana- PIPRIYA District- Lakhisarai

MANISH RAI Son of Vinod Rai @ Vinod Mahato Resident of Village -
Fatehpur, P.S.- Singhoul, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naina Devi Wife of Manish Rai, D/O - Late Uma Shankar Rai Resident of
Village - Basouna Pipariya, P.S.- Pipariya, District- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary, Adv.

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 10-07-2020 Heard learned counsel appearing for petitioner as
well as learned Additional Public Prosecutor appearing for State
through video conferencing.

Petitioner apprehends his arrest in connection with
Papariya P.S. Case No.31/2017 registered for the offences
punishable under Sections 498A, 494, 323, 504, 506 of the IPC.

The petitioner happens to be husband of opposite
party no.2 and there appears to be matrimonial dispute between
the parties. No doubt, opposite party no.2 alleges that petitioner
used to torture her and petitioner has solemnized second
marriage, but both the learned counsels appearing for their
respective parties submit that the dispute of the parties may be



referred to Mediation Center so that parties could resolve their dispute by way of one time settlement.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this petition stands disposed of with direction to petitioner to surrender before the court below within eight weeks from the date of receipt/production of copy of this order to the concerned court and if petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of three months on furnishing bail bonds of rupees ten thousand with two sureties of the like amount each to the satisfaction of the concerned court and furthermore, the learned court below on the day of his release on provisional bail shall issue a notice to opposite party no.2, fixing a date for reconciliation and shall take all efforts to resolve the dispute of the parties within the above stated period of three months. However, it is made clear that if the learned court below fails in his attempt due to non-cooperative and rigid approach of the petitioner or due to solemnization of second marriage of the petitioner, the learned court below shall not confirm the order of provisional bail but if learned court below fails in his attempt due to non-cooperative and rigid approach of opposite party no.2 and if the court finds that the petitioner has



not solemnized his second marriage, the court shall pass an order of confirmation of provisional bail of the petitioner. It goes without showing that if the concerned court succeeds in his attempt, the court below shall not only pass order of confirmation of provisional bail of the petitioner but also take all effective steps for disposal of the Papariya P.S. Case No.31/2017 after recording the statements of the parties.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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