

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32139 of 2020

Arising Out of PS. Case No.-585 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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MANISH DUBEY Son of Late Ram Keshwar Dubey Resident of Village -
Organv, P.S. - Bhagwanpur, District Kaimur at Bhabua.

... .. Petitioner.

Versus

1. THE STATE OF BIHAR.
2. Sangita Devi Wife of Manish Dubey At Present Address - Village Danwas,
P.S. Mohania, District Kaimur at Bhabua.
3. Ashok Upadhyay Son of Late Bechan Upadhyay Resident of Village
Danwas, P.S. Mohania, District Kaimur at Bhabua.

... .. Opposite Parties.

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Appearance :

For the Petitioner : Mr. Pawan Kumar Singh, Advocate.
For the State : Mr. Zainul Abedin, A.P.P.
For the Opposite Party Nos.2 & 3: Mr. Raju Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 09-07-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

opposite party nos.2 and 3, through Video Conferencing.

The petitioner apprehends his arrest in connection
with Complaint Case No.585 of 2019 registered under Section
498(A) of the Indian Penal Code besides Sections 3/4 of the
Dowry Prohibition Act.

The accusation is of torturing the opposite party no.2,
who is the sister of the opposite party no.3, by her husband
(petitioner) and other in-laws for non-fulfillment of the dowry



demand and removing the opposite party no.2 from her matrimonial house.

Learned counsel for the petitioner submits that the petitioner is the husband of the opposite party no.2 and he wants to keep his wife (opposite party no.2), who is deaf and dumb, with full honour and dignity.

On the other hand, learned counsel for the opposite party nos.2 and 3 submits that the opposite party no.2, who is deaf and dumb, also wants to settle the dispute with the petitioner through Mediation Centre.

In view of the aforesaid submissions of the learned counsel for the petitioner and the learned counsel for the opposite party nos.2 and 3, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on provisional pre-arrest bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Pratik Anand Divedy, Judicial Magistrate, First Class, Kaimur at Bhabua, in connection with Complaint Case No.585 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C., with a direction to the court below to refer the matter for settlement of the dispute in between the petitioner and the



opposite party no.2, who are husband and wife respectively, before the District Mediation Centre, Kaimur at Bhabua, immediately after receipt/production of a copy of this order.

It is made clear that if the dispute in between the petitioner and the opposite party no.2 is settled before the District Mediation Centre, Kaimur at Bhabua, then the court below shall confirm the provisional pre-arrest bail of the petitioner and if the dispute is not settled in between them at the end of the petitioner, the court below shall be at liberty to cancel the provisional pre-arrest bail of the petitioner. If the dispute is not settled in between them at the end of the opposite party no.2, then also, the court below shall confirm the provisional pre-arrest bail of the petitioner.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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