

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33464 of 2020

Arising Out of PS. Case No.-319 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

VIVEK RAGHUBANSHI @ VIVEK Son of late Anil Kumar Singh Resident
of Village - House No. S.H.8/4-8K.A., Pragyapuri Colony, Bhagatpur, P.S.-
Shivpur, Distt.- Varanasi. U.P.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Abhay Shankar Singh, Advocate
For the complainant	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the State	:	Mr. Nityanand, A.P.P

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

ORAL ORDER

2 19-03-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office
vide its notes dated 07.12.2020, within four weeks of starting of
Court proceeding in physical mode in normal course.

Heard Sri Yogesh Chanddra Verma, learned Senior
Counsel appearing on behalf of petitioner, Sri Krishna Prasad
Singh, learned Senior Counsel appearing for complainant/
informant and Sri Nityanand, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mohania P.S. Case no. 319 of 2019, registered under
Sections 341, 323, 504, 506 and 498(A)/34 of the Indian Penal
Code.

Learned counsel appearing on behalf of petitioner



submits that there is chance of settlement of dispute in between petitioner and complainant/informant, who are husband and wife. Sri Krishna Prasad Singh, learned senior counsel appearing on behalf of complainant/informant also submits that complainant/informant is still ready to lead her conjugal life with the petitioner. The Divorce Case filed by the petitioner in Civil Court, Varanasi has already been dismissed and the case filed on behalf of complainant/informant under Section 9 of the Hindu Marriage Act for restitution of conjugal rights has already been allowed, as such, this matter may be referred before the District Mediation Centre, Kaimur at Bhabhua for settlement of dispute in between petitioner and complainant/informant, amicably.

In view of the submissions of the learned counsel appearing for the petitioner and complainant/informant, let the above named petitioner, be released on **provisional bail** for one year, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 319 of 2019, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C.

The learned Chief Judicial Magistrate, Kaimur at Bhabhua is directed to refer the matter before the District Mediation Centre, Kaimur at Bhabhua for settlement of dispute between the petitioner and complainant/informant, if the dispute is not settled due to laches on the part of the complainant/informant, the bail of the petitioner would be confirmed. Similarly, if the dispute is not settled due to attitude of the petitioner, the trial Court would be at liberty to cancel the bail bond of the petitioner.

(Rajendra Kumar Mishra, J)

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