

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36831 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

Mukesh Singh @ Mukesh Kr. Singh Son Of Jhala Singh Alias Jhalar Singh
Resident Of Village - Hariharpur Kala, P.S. - Gooreakothi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-02-2021

Heard the learned counsel for the petitioner

and Mrs. Asha Kumari, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Mohammadpur P.S. Case No. 32 of 2019 for the offence punishable under Sections 328, 327 and 34 of the Indian Penal Code.

The allegation is regarding the petitioner having tried to kill his wife on account of the fact that she was not blessed with any children.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 19.10.2018. The learned counsel for the petitioner has further submitted that there is no allegation



of any demand of dowry and it has been falsely alleged that the petitioner had tried to kill his wife by giving poisonous medicine inasmuch as neither any poisonous medicine has been recovered from the alleged place of occurrence nor from the wife of the petitioner nor the wife of the petitioner has died on account of the said medicine and a false story has been cooked up.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since 19.10.2018, I deem it fit and proper to admit the petitioner to the privilege of provisional bail, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of ACJM-1st, Gopalganj in connection with Mohammadpur P.S. Case No. 32 of 2019, whereafter the learned court below shall issue notice to the informant i.e. wife of the petitioner herein and hold mediation proceedings in between them with a view to settle their matrimonial disputes.



The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same subject to outcome of the mediation proceedings as also considering the case of the petitioner on merits, without being prejudiced by the dismissal order passed by the learned court below earlier.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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