

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.606 of 2021**

Arising Out of PS. Case No.-1561 Year-2017 Thana- SARAN COMPLAINT CASE District-
Saran

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MUKESH KUMAR SINGH S/o Musaffir Singh R/o Village- Sikati Bhikham,
P.S.- Mashrakh, District- Saran.

... .. Petitioner.

Versus

1. The State of Bihar.
2. RINKI DEVI W/o Mukesh Kumar Singh and D/o Shri Bidya Singh R/o Village- Sikati Bhikham. P.S.- Mashrakh, District- Saran at present R/o Village- Banshoi, P.S.- Mashrakh, District- Saran.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Md. Anis Akhtar, Advocate.
For the State	:	Dr. Kumar Uday Pratap, A.P.P.
For the O.P. No.2	:	Mr. Radha Mohan Singh, Advocate.

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

ORAL ORDER

2 24-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 01.01.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the opposite party no.2, through Video Conferencing.

The petitioner apprehends his arrest in connection with Trial No.1993 of 2020, arising out of Complaint Case No.1561 of 2017 registered under Sections 323, 406, 498 'A'



and 497/34 of the Indian Penal Code besides Sections 3/4 of the Dowry Prohibition Act.

The accusation is of torturing and causing assault to the opposite party no.2 by her husband (petitioner) and other in-laws for non-fulfillment of the dowry demand and also removing the opposite party no.2 from her matrimonial house after snatching her personal belongings.

Learned counsel for the petitioner submits that the petitioner is the husband of the opposite party no.2 and he is ready to keep his wife (opposite party no.2) with full honour and dignity. Learned counsel for the petitioner further submits that the petitioner may be granted the privilege of provisional pre-arrest and the matter may be referred before the District Mediation Centre, Saran at Chapra, District-Saran, for settlement of the dispute in between the petitioner and the opposite party no.2, who are husband and wife respectively.

On the other hand, learned counsel for the opposite party no.2 submits that the opposite party no.2 is also ready to live with the petitioner, if the petitioner is ready to keep her with full honour and dignity and he has no objection in allowing the provisional pre-arrest bail to the petitioner and referring the matter before the District Mediation Centre, Saran and Chapra,



District-Saran, for settlement of the dispute in between the petitioner and the opposite party no.2, who are husband and wife respectively.

In view of the aforesaid submissions of the learned counsel for the petitioner and the learned counsel for the opposite party no.2, 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 the Sub-Divisional Judicial Magistrate, Saran at Chapra, District-Saran, in connection with Trial No.1993 of 2020, arising out of Complaint Case No.1561 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C., with a direction to the Sub-Divisional Judicial Magistrate, Saran at Chapra, District-Saran, 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, Saran at Chapra, District-Saran, 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, Saran at Chapra, District-Saran, 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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