

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37795 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- MAHILA P.S. District- Banka

MITHUN KUMAR S/o Jairam Sah R/o village- Punsiya, P.S.- Rajoun,
District- Banka.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Guriya Kumari D/o Krishna Sah R/o village and P.O.- Punsiya, P.S.- Rajoun,
District- Banka.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Brij Nandad Prasad, Advocate.
For the State	:	Ms. Gulnar Begum, A.P.P.
For the Opposite Party No.2:	:	Mr. Balram Kapri, Advocate.

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

ORAL ORDER

2 06-07-2021 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 21.12.2020, 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 Banka (Mahila) P.S. Case No.08 of 2020 registered under Sections 498(A), 504 and 506/34 of the Indian Penal Code besides Sections 3/4 of the Dowry Prohibition Act.



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 but the opposite party no.2 herself is not ready to live with the petitioner.

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.

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, Banka, in connection with Banka (Mahila) P.S. Case No.08 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C., with a direction to the Sub-Divisional Judicial Magistrate, Banka, 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, Banka, 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, Banka, 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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