

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39945 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- MAHILA PS District- East Champaran

DHARMENDRA KUMAR Son of Ram Ekbal Ray Resident of Village -
Pachtaki Yadav, P.S.- Bairstania, District - Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar
2. Mikky Kumari Daughter of Late Subansh Prasad Yadav Resident of Village -
Nirpur, P.S.- Chiraiya, District - East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Petitioner
For the informant	:	Mr. Deepak Kumar, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, A.P.P

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

ORAL ORDER

2 19-07-2021 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 26.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard Sri Anil Kumar, learned counsel for the petitioner, Sri Awadhesh Kumar Singh, learned A.P.P. for the State and Sri Deepak Kumar, learned counsel appearing on behalf of informant, through video conferencing.

The petitioner apprehends his arrest in connection with Mahila P.S. Case no. 10 of 2020, registered under Sections 341, 323, 498(A) and 406/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



Learned counsel for the petitioner submits that in spite of ill-behaviour of O.P. No.2, who is wife of petitioner, the petitioner is still ready to keep her with full dignity, if she wants to live with the petitioner.

On the other hand, learned counsel appearing on behalf of informant/O.P. No.2 submits that O.P. No.2 also wants to settle the dispute, amicably, and live with her husband (petitioner). The O.P. No.2 has no objection if the petitioner is granted provisional bail and the matter is referred to the District Mediation Centre, East Champaran at Motihari.

Having considered the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and O.P. No.2, let the above named petitioner, in the event of his arrest or surrender by him within six weeks from today, be enlarged on provisional pre-arrest bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Mahila P.S. Case No. 10 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with a direction to the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East



Champaran, to refer the matter for settlement of the dispute in between the petitioner and the O.P. No.2 before the District Mediation Centre, East Champaran at Motihari immediately after receipt/production of a copy of this order with a direction to the District Mediation Centre, East Champaran at Motihari to submit its report within six months thereafter.

It is made clear that if the dispute between the petitioner and the O.P. No.2 is settled before the District Mediation Centre, East Champaran at Motihari, 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 cancel the provisional pre-arrest bail of the petitioner. If the dispute is not settled at the end of the O.P. 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)

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