

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6518 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- MAHILA PS District- East Champaran

BINOD SAH Son of Mahavir Sah Resident of Village - Olaha Vishunpura
Tali, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUNITA KUMARI @ SUNITA DEVI Daughter of Shambhu Sah Resident of Village - Semra Tola, P.S. - Turkauliya, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 4 of 2020 for the offence registered under Sections 341, 323, 498-A, 406 and 34 of the Indian Penal Code.

The petitioner is stated to have solemnized marriage with the informant in the year 2010 whereafter the couple was blessed with a daughter. It is alleged that the accused persons including the petitioner herein had subsequently started torturing the informant and had inflicted cruelty upon her on account of non-fulfillment of the demand for dowry.



The learned counsel for the petitioner has submitted that the petitioner is Innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is ready to keep his wife with him with due honour and dignity as also he is ready to join mediation proceedings before the learned court below in order to settle the matrimonial dispute amicably.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to direct the petitioner to surrender before the learned court of Sub Divisional Judicial Magistrate, Sadar at Motihari, East Champaran in connection with Mahila P.S. Case No. 4 of 2020, within a period of four weeks from today, whereupon the petitioner shall be admitted to the privilege of provisional bail on the very same day and then the learned court below shall issue notice to the informant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes in between them amicably.

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 proceeding as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition by the learned court below.

In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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