

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7377 of 2021

Arising Out of PS. Case No.-120 Year-2019 Thana- MAHILA P.S. District- Nalanda

VIKASH KUMAR SON OF RATAN MAHTO R/O VILL.- UMEDNAGAR,
P.S.- DEEPNAGAR, DIST.- NALANDA (BIHAR)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. SARSAWATI DEVI W/O VIKASH KUMAR, D/O LATE GAJO MAHTO
R/O VILLAGE- DAMARBIGHA, P.S.- MANPUR, DIST.- NALANDA
(BIHAR)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.
For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the parties.

The petitioner apprehends his arrest in connection with Mahila P.S. Nalanda Case No. 120/2019 (G.R. No. 4407 of 2019) for the offence punishable under Sections 498(A). 341, 323. 504, 506, 494, 34 I.P.C.

The allegation is regarding the marriage of the petitioner having been solemnized with the informant in the year 2006, where after the accused persons including the petitioner herein started demanding dowry and on account of non-fulfillment of the demand for dowry, the petitioner and other accused persons used to torture and inflict cruelty upon the informant.



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. The learned counsel for the petitioner submits that the petitioner is not averse to the idea of him being relegated to the mediation process before the learned court below.

Per contra, the learned A.P.P. for the State and the learned counsel for the informant have also submitted that it would be proper in case the matter is relegated to the learned trial court for the purpose of engaging the petitioner and his wife in mediation proceedings so that the marital discord can be amicably resolved.

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 on record, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of S.D.J.M. Nalanda in connection with Mahila P.S. Nalanda Case No. 120 of 2019 (GR No. 4407 of 2019), 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 with a view to



settle the matrimonial disputes in between them by resorting to mediation proceedings.

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 of on the aforesaid terms.

(Mohit Kumar Shah, J)

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