

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54254 of 2019

Arising Out of PS. Case No.-397 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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LAVKUSH CHAUHAN (Male), aged about 30 years, Son of Indradeo Chauhan, Resident of Village - Nadaura, P.S.- Nawada (Kadirganj O.P.), Dist.- Nawada.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Chinta Devi (Female), aged about 27 years, Wife of Lavkush Chauhan , D/o Etwari Chauhan, Resident of Village - Dariyapur, P.S.- Akbarpur, Dist.- Nawada.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Deepak Kumar. Advocate.
For the State	:	Mr. Arun Kumar, A.P.P.
For the O.P. No. 2	:	None.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode. None appears on behalf of the opposite party no. 2.

Vide order dated 24.03.2021, the matter was referred to the District Mediation Centre, Nawada for mediation.

A report has been submitted by the Mediator stating that the mediation has failed.

The petitioner is apprehending his arrest in a case for the offence registered under Section 498(A) of the I.P.C.

The prosecution story, in brief, is that the accused persons including the petitioner tortured the victim due to non-



fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to petty family dispute. The petitioner is the husband of the victim. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances of the case, the provisional anticipatory bail granted to the petitioner, vide order dated 29.08.2019, passed by another Co-ordinate Bench of this Court, is hereby confirmed.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement. In case, any such



application is made by either of the parties, the court below shall refer the matter to the District Mediation Centre.

The opposite party no. 2 also will be at liberty to make an application before the concerned Family Court for the purpose of maintenance, if so advised.

(Sudhir Singh, J)

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