

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22282 of 2021**

Arising Out of PS. Case No.-79 Year-2020 Thana- PARIHAR District- Sitamarhi

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BIMLESH MANDAL S/o Sikindra Mandal @ Sikindar Mandal, R/o village-  
Pipra Vishunpur, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. LALCHUNI DEVI W/O BIMLESH MANDAL, D/O PAHDEO  
MARARKHATBE R/o village- Pipra Vishunpur, P.S.- Parihar, District-  
Sitamarhi, at present C/o Anil Mandal, R/o village- Ragharpura, P.S.-  
Sursand, District- Sitamarhi.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Hans Lal Kumar  
For the Opposite Party/s : Mr.Arun Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

6      29-08-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the office within one  
  
month.

Heard the learned counsel for the petitioner as well as  
  
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection  
  
with Parihar P.S. Case No. 79 of 2020 registered for offence  
  
punishable under sections 498(A) of the Indian Penal Code and  
  
sections 3/4 of the Dowry Prohibition Act.

The matter was referred to the Patna High Court  
  
Mediation and Conciliation Centre. The report of Mediation



Centre dated 27.07.2022 is annexed with the record at flag 'M', which shows that the matter could not be settled between the parties, as the informant was demanding Rs. 3,00,000/- cash from her husband as 'One Time Settlement', which was refused by the petitioner. It has also been mentioned in the report that the petitioner has settled his second marriage without consent of opposite party no. 2. As per allegation, the marriage of informant was solemnized with the petitioner eight years prior to lodging of the FIR. The customary presents were given at the time of marriage. The couple was blessed with two daughters. Thereafter, the petitioner made pressure upon the informant to demand Rs.1,00,000/-. When she expressed her inability to fulfill the demand, he badly assaulted the informant and ousted from her matrimonial house.

The learned counsel for the petitioner has submitted that the informant, after solemnizing her second marriage, fled away, leaving behind the petitioner. The Sarpanch of matrimonial village of the informant had issued a certificate, stating that the informant has solemnized her second marriage. There is allegation that the petitioner inflicted atrocities upon the informant after birth of two female children out of wedlock of the couple. Both the parties are alleging against each other



that they have solemnized their second marriage. The report received from the Mediation Centre shows that opposite party no. 2 was ready to live with the petitioner, but it was not possible for her to reside with her husband, as he has solemnized his second marriage without consent of the informant.

Considering above mentioned facts and circumstances, I do not find it to be a fit case for anticipatory bail. Accordingly, it is rejected.

The petitioner is directed to surrender before the court below and make a prayer for regular bail.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

Mahesh/-

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