

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23559 of 2022

Arising Out of PS. Case No.-33 Year-2018 Thana- MAHILA PS District- Khagaria

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Dharmendra Sah @ Dharmendra Kumar Son Of Parmanand Sah R/O Village-
Bhadas (south), P.S.- Khagaria (muffasil), District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore(App100)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 12-10-2022 Learned counsel seeks permission to defend O.P no. 2

to correct the *Vakalatnama* to defend the interest of minors.

Permission granted to correct the *Vakalatnama* during
course of the day.

Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khagaria (Mahila) P.S. Case No. 33 of 2018, G.R. No.
1769/2018 lodged under Sections 341, 323, 498(A)/34 of the
I.P.C.

As per the prosecution, it is a case which has been
filed by the wife against the husband and his family members.
During the pendency of the present petition, the informant O.P

no. 2 who is living behind 3 minor daughters. After issuance of notice to O.P no. 2, this information has brought on record and instead of O.P no. 2, her 3 minor daughters has filed an application being a victim through their maternal grandfather with a petition under Section 24 of Sub-Section 8 proviso to Cr.P.C. grant permission to defend this case as victim.

The representation of the minors through their maternal grandfather is hereby accepted and on behalf of O.P no. 2, her daughters are permitted to represent this case before this Court as well as before the Trial Court.

Learned counsel for the petitioner submits that his wife is no more and he is ready to keep his children with care and dignity.

Learned counsel for the victims submit that the previous conduct of the petitioner is such that he has doubt about the observation which petitioner's counsel has mentioned in the Court, shall be followed by him. He further submits that he is also not interested to continue the petitioner in jail. But simultaneously, he needs some restriction on the petitioner so that the undertaking which has made before this Hon'ble Court may be complied with.

Learned counsel for the State also submits that it is a dispute among the family members and it is better that it may be

resolved.

In the present facts and circumstances of this case and the submissions made above, I am hereby granting provisional bail to the petitioner above named, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Smt. Pallavi Anand, Judicial Magistrate 1st Class, Khagaria in connection with Khagaria (Mahila) P.S. Case No. 33 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The Trial Court/ Lower Court is directed to do the needful so that the mediation shall take place between the petitioner with the victims (daughters of O.P no. 2) of this case who shall represent through their maternal grandfather before the mediation. In result of successful mediation, the bail bond of the petitioner shall be confirmed otherwise, it shall be cancelled.

Please take note that period of mediation shall be 90 days from the date of release of the petitioner on provisional bail.

(Dr. Anshuman, J.)

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