

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48693 of 2022

Arising Out of PS. Case No.-144 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Santosh Kumar Son Of Late Lallu Prasad Resident Of Mohalla- Yadupatti
Road, Nai Bazar, P.S- Muzaffarpur Town, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi Wife of Santosh Kumar and daughter of Raj Kumar Prasad
Presently residing at New Bazar, Yadupatti Lane Banaras Bank Chowk, P.O-
Banaras Bank Chowk Chandwara, P.S- Town, Dist- Muzaffarpur, Pin Code-
842001

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-11-2022 The present petition has been filed for grant of

anticipatory bail to the petitioner, in connection with C.R. Case

No. 144 of 2019 (Complaint (Cr.) Case No. 144 of 2019),

corresponding to T.R. No. 731 of 2019, registered for the

offence punishable under sections 498A, 323 and 379 of the

Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

The case of the prosecution in brief is that the

marriage of the petitioner was solemnized with the Opposite

Party No. 2 on 05.02.2010, wherein the father of the

complainant is stated to have spent a sum of Rs. 10 lacs and had

also gifted gold and silver ornaments, clothes and other articles



to the petitioner and his family members. It has also been alleged in the complaint petition that after solemnizing marriage, the complainant had come to the house of the petitioner, however, subsequently the accused persons including the petitioner herein started demanding a sum of Rs. 4 lacs, a motorcycle and gold articles but on account of non-fulfillment of the said demands, the accused persons including the petitioner herein started torturing the complainant, physically and mentally, whereafter, the complainant/ Opposite Party No.2, along with her children, was ousted from her matrimonial house.

The Ld. Counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated and has got no complicity in the present case inasmuch as the fact is that the Opposite Party No. 2 was already married at the time she had solemnized marriage with the petitioner and this fact came to the knowledge of the petitioner after his marriage. It is also submitted that though the petitioner has filed a divorce case long back in the year 2012, but he is ready and willing to settle the matrimonial dispute and for that purpose, he is ready to join the mediation process, if any, to be initiated by the learned court below.



Per contra, the learned A.P.P. for the State, Ms. Anita Kumari Singh, has submitted that it would be in the interest of both the petitioner and the Opposite Party No.2 that they are subjected to the mediation process, for resolving the matrimonial disputes, which have arisen amongst them.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court of ACJM-I, Madhubani in connection with C.R. Case No. 144 of 2019 (Complaint (Cr.) Case No. 144 of 2019), corresponding to T.R. No. 731 of 2019, within a period of 4 weeks from today, whereupon he shall be granted provisional bail on the very same day, subject to such conditions as may be deemed fit and proper to be imposed by the learned Court below and then the learned Court below shall hold mediation proceeding in between the petitioner and his wife, for which purpose the learned court below shall issue notice to the wife of the petitioner and summon the wife. It is expected that the learned court below shall make all endeavour to settle the matrimonial dispute in question. It is further directed that after the conclusion of the mediation proceeding, the learned court below shall take a final



call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same, depending upon the outcome of the mediation proceedings as also upon application of its own independent mind on the merits of the case without being prejudiced by its earlier order rejecting the case of the petitioner for grant of anticipatory bail.

The petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/Saurav

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