

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56755 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MAHILA P.S. District- Vaishali

Vijay Kumar S/o Shiv Dayal Ray, Resident of village- Chakoashan Vajitpur,
P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anjali Kumari W/o Vijay Kumar, D/o Yogendra Singh, Resident of village- Rahimapur, P.S.- Bidupur, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinod Pandey, Adv.
For the State	:	Mr. Pushpa Sinha, APP.
For the O.P. No.2	:	Mr. Rahul Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-12-2022 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 as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 11 of 2022, lodged under Sections 341,
323, 315, 498(A), 494, 504, 506 of the Indian Penal Code read
with Section 3/4 of D.P. Act.

As per prosecution case, the F.I.R. has been lodged
against 10 named accused persons i.e. entire family members of
petitioner. Petitioner is husband of the informant/O.P. No.2. As
per prosecution, it has been stated that the marriage was

solemnized on 23.05.2021, it has further been alleged in the F.I.R. that in total Rs.10 lacs for marriage expense and Rs.1.50 lacs for motorcycle have been transferred through NEFT in the account of brother-in-law (Dewar) namely Ajay Kumar, in addition to that other gifts were also given. The allegation of torture by different persons for demand of dowry has been made, allegation of physical assault is also made in the F.I.R.. Allegation of keeping jewellery and clothes are also there and *Panchayati* was also took place on 14.11.2021 but it was failed. It is also alleged that petitioner has entered into other marriage on 09.03.2022 with one girl namely Anshu Kumari, in result the present case has been filed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he is ready to keep his wife with prestige and full respect. He further submits that the allegation made by the informant in the F.I.R. is not correct and hereby denied. He also submits that there are 2 criminal cases pending against the petitioner, in which, he is on bail in both the cases and he is in custody since 08.08.2022.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant/ O.P. No.2

vehemently opposes the prayer for bail and submits that informant was the subject of torture at the hand of petitioner as well as at the hands of his family members. He further submits that petitioner has entered into another marriage and, therefore, it is quite difficult for him to tolerate such type of husband.

Upon specific query from both the parties that whether there is any suitability of resolving the dispute, both the parties agreed that if the matter shall refer for mediation, there is a chance of resolving the dispute.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted **provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Vaishali at Hajipur in connection with Mahila P.S. Case No. 11 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Learned Trial Court is directed to refer the matter before an experienced mediator and if the settlement took place between the parties, the provisional bail granted to the petitioner shall be confirmed. Please take note that the said mediation has to be concluded within 90 days from the date of release of petitioner from custody, if not, the provisional bail shall be cancelled.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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