

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67890 of 2021

Arising Out of PS. Case No.-505 Year-2020 Thana- GARKHA District- Saran

RAJAN PANDEY Son of Shivendra Nath Pandey Resident of Village -
Jankinagar, P.s.- Garkha, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Aishwarya Shree, Advocate
For the State	:	Mrs.Pronoti Singh, APP
For the Informant	:	Mr. Krishna Bihari, Advocate
		Mr. R.K. Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Garkha P.S. Case No. 505 of 2021 for the offence registered
under Sections 498A, 494/34 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

The allegation is regarding matrimonial disputes
having cropped up in between the petitioner and his wife i.e. the
informant herein on account of alleged demand of dowry by the
accused persons including the petitioner herein. It is also alleged
that the petitioner has solemnized second marriage.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in



the present case, is having a clean antecedent and he is languishing in custody since 14.08.2021. The learned counsel for the petitioner has further submitted that the petitioner and his wife i.e. the informant of the present case have already filed a petition for divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. It is also submitted that the petitioner is ready to participate in the mediation proceedings, if any, to be initiated by the learned court below, however, for that purpose, it is submitted that provisional bail be granted to the petitioner herein.

Per contra, the learned counsel appearing for the informant though has vehemently opposed the prayer for bail but has submitted that the wife i.e. the informant is not averse to the idea of participating in mediation proceedings, if so conducted by the learned court below.

The learned A.P.P. for the State has submitted that it would be better if the matter is sent for mediation so that the matrimonial dispute can be settled amicably.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, I deem it fit and proper to direct for release of the



petitioner on provisional bail subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Chief Judicial Magistrate, Chhapra in connection with Garkha P.S. Case No. 505 of 2021. It is further directed that the learned court below shall, then issue notice to the informant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes between them.

The learned court below is also directed to take a final call with regard to either confirming the provisional bail to be granted to be petitioner or revoking the same subject to outcome of the mediation proceedings as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his bail petition by the learned court below.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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