

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9873 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- MAHILA PS District- Buxar

BHUTTI BHAR @ BHUTTI RAI S/o Shiv Shankar Bhar R/o Village-
Beghalwa, P.S.- Buxar (Muffasil), Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Buxar (Mahila) P.S. Case No.36 of 2022, registered for the offences punishable under Sections 323, 498(A) and 494 of the Indian Penal Code.

The marriage of the petitioner is stated to have been solemnized with the informant on 06.06.2010, as per the Hindu rites and rituals, whereafter two children were born out of the said wedlock, however, subsequently, the co-accused persons including the petitioner started torturing



the informant and thereafter, it is alleged that the petitioner had performed second marriage, whereupon the informant had been ousted from her matrimonial home.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has submitted that the petitioner is ready and willing to keep his wife with full respect, honour and dignity.

Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioner and his wife i.e. the informant to the mediation process so that the matrimonial dispute in question 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



grant liberty to the petitioner to surrender before the learned court of Sub-Divisional Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S. Case No.36 of 2022, within a period of four weeks from today, whereupon the petitioner shall be admitted to the privilege of provisional bail on the very same day and then the learned court below shall issue notice to the complainant-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 directed to take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same subject to outcome of the mediation proceeding as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition by the learned court below.

In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.



The present petition stands disposed off on
the aforesaid terms.

(Mohit Kumar Shah, J)

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