

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25175 of 2020

Arising Out of PS. Case No.-317 Year-2020 Thana- BANKA District- Banka

RAMJI YADAV Son of Dinesh Yadav @ Dinesh Prasad Yadav R/o Ghauspur,
P.S.- Sabaur, District - Bhagalpur, Presently address Village - Talia, P.S.-
Banka, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Kumari D/o Basant Yadav R/V Ghuthiya (Sasan).P.S.- Dhoraiya,
District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate Mr.Pramod Kumar Sinha, Advocate
For the State	:	Mr. Narsingh Tanti, APP
For the informant	:	Mr. Kamlesh Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 30-01-2023 Heard the learned senior counsel for the
petitioner and the learned APP for the State as
also learned counsel for the State.

The petitioner seeks regular bail in
connection with Banka (Barahat) P.S. Case No.317
of 2020, registered for the offence punishable
under Section 376 of the Indian Penal Code.

The case of the prosecution, according
to the informant, is that the petitioner had
developed a love affair with the informant and
subsequently, he had also established physical



relationship with her. It is also alleged that the petitioner used to sexually abuse the informant on the pretext of marrying her, however, subsequently, he refused to marry the informant.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned senior counsel for the petitioner has further submitted that though the petitioner was languishing in custody since 25.04.2020, however, he was granted the privilege of provisional bail vide order dated 08.12.2020 and in the meantime, notices were issued to opposite party no.2, i.e. the informant of the present case. It is also submitted that occurrence in question is purely consensual in nature inasmuch as, both the informant and the petitioner are adults, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned counsel for the opposite party no.2 has submitted that the



petitioner has already married the informant, however, he is not taking her to her matrimonial home, hence, the petitioner does not deserve confirmation of provisional bail granted to him earlier by this Court.

Learned APP for the State has also opposed the prayer of the petitioner for grant of bail and has submitted that the victim girl, in her statement made under Section 164 CrPC, before the learned Magistrate, has corroborated the factum of the petitioner having solemnized marriage with the informant.

At this juncture, learned counsel for the parties have submitted that the parties are not averse to participating in mediation proceedings in case the same is initiated by the learned court below, for the purposes of settling the dispute in question amicably.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the fact that the petitioner and the informant are not averse to the idea of initiation of mediation process, I deem it fit and proper to dispose of the present petition, however, with a direction that the learned court of Chief Judicial Magistrate, Banka shall engage the informant and the petitioner in mediation process in connection with Banka (Barahat) P.S. Case No.317 of 2020 by initiating mediation proceedings within a period of two weeks from today and fixing a date for appearance of the petitioner and the informant, whereafter endeavour shall be made to amicably settle the dispute in question.

It is made clear that in case, the petitioner does not appear before the learned court below in the mediation proceedings to be initiated by the learned court below, on each and every date so fixed, the privilege of provisional bail, already granted to the petitioner vide order dated 08.12.2020, passed in the present case, shall stand cancelled automatically and he shall



be taken into custody forthwith.

It is needless to state that the learned court below shall take a final call with regard to either confirming the provisional bail, already granted to the petitioner by this Court or revoking the same subject to the final outcome of the mediation proceedings, to be initiated in the present case, 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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