

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29738 of 2022**

Arising Out of PS. Case No.-71 Year-2021 Thana- MAHILA P.S. District- Saharsa

SUMAN SADA Son of Shankar Sada Resident of village - Kachra Kadhiya,
P.s.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupam Kumari W/o Suman Sada at present Resident of village - Kachra Kadhaiya Ward No.2, P.s.- Saur Bazar, Distt.- Saharsa, Permanent Resident of village - Kathmara, P.s.- Chautham, Distt.- Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amarnath Jha, Advocate
For the State	:	Mr.Bharat Lal, APP
For the O.P. No.2	:	Mr. Ranjit Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 19-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also learned counsel for the opposite party no.2.

The petitioner seeks regular bail in connection with Saharsa Mahila P.S. Case No.71 of 2021, registered for the offences punishable under Sections 341, 323, 498-A, 494, 379, 504, 506/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The petitioner, who is the husband of



the informant, is alleged to have inflicted cruelty upon the informant on account of non-fulfillment of demand of dowry and when she was in her third month of pregnancy, the petitioner had thrown her out of matrimonial home and then had solemnized second marriage.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 11.01.2022. Learned counsel for the petitioner has further submitted that the petitioner is ready and willing to participate in the mediation proceedings, if any, to be initiated by the learned trial court with a view to amicably settle the matrimonial dispute which have arisen amongst the parties.

Per contra, learned counsel for opposite party no.2 has though opposed the prayer for bail, but he is not averse to the idea of the parties participating in the mediation process.

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 on record, I deem it fit and proper to grant provisional bail to the petitioner herein, subject to such condition as may be deemed fit and proper to be imposed by the learned court of SDJM, Saharsa in connection with Saharsa Mahila P.S. Case No.71 of 2021.

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 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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