

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29761 of 2022

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

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UMESH MISHRA Son of Jitendra Mishra Resident of Village - Mohabbat
Parsa, P.S.- Rivilganj, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Mahila PS case no. 71 of 2021 instituted for the offences
punishable under Sections 498(A) of the Indian Penal Code
and Section 3/4 of Dowry Prohibition Act.

The case of the prosecution, in brief, is that the
informant was married with the petitioner in the year 2011,
whereafter, on account of certain matrimonial disputes and the
petitioner being alleged to have assaulted the informant, the
informant was compelled to flee away from her matrimonial
home.

The learned counsel for the petitioner submits



that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 20.02.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in one other case but he is on bail in the said case. It is also submitted that the petitioner is ready to participate in the mediation proceedings, if any, to be initiated by the learned trial court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

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 provisional bail to the petitioner herein, subject to such conditions, as may be deemed fit and proper to be imposed by the learned court of S.D.J.M., Chapra in connection with Mahila P.S. Case No. 71 of 2021.

It is further directed that the learned court below shall then engage the informant-wife and the petitioner in mediation proceedings, with a view to settle the matrimonial disputes between them.

It is needless to state that the learned court below



shall take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same subject to the final outcome of the mediation proceedings as also considering the case of the petitioner on merits, without being prejudiced by the earlier 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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