

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32436 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- KESARIA District- East Champaran

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LAKHINDRA KUMAR RAI @ BABLU @ LAKHINDRA KUMAR S/o
Suresh Rai R/o Village- Bettiah Basant, P.S.- Kesariya, District- East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi, w/o Lakhindra Rai, r/o Vill-Rampur Bhikhanpura, PS-
Sahebganj, Dist-Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the informant	:	Mr. Rahul Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 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 Kesariya PS case no. 3 of 2022 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, according
to the informant, is that the marriage of the informant was
solemnized with the petitioner on 03.07.2018 as per Hindu
rites and customs, wherein, huge cash amount and other
articles were given by the father of the informant. It is also
alleged that subsequently, the accused persons including the



petitioner herein started torturing the informant on account of non-fulfilment of the demand for dowry and had finally, ousted the informant from her matrimonial home.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 25.03.2022. The learned counsel for the petitioner has further submitted that efforts were made for reconciliation in between the husband and wife, however, the same did not yield any result, nonetheless, the petitioner is not averse to joining mediation process, to be initiated by the learned trial court for the purposes of settlement of matrimonial disputes amicably.

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 Chief Judicial Magistrate, Motihari, East Champaran in



connection with Kesariya P.S. Case No. 3 of 2022.

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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