

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34966 of 2022

Arising Out of PS. Case No.-976 Year-2011 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Subodh Kumar Son Of Mohan Sah R/O- Sakin- Baikunthawa, P.S.- Darpa,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi W/O- Subodh Kumar, D/O- Rambabu R/O- Sakin-
Bauikunthawa, P.S.- Darpa, District- East Champaran and Present Address Is
Resident Of Village- Jhabra, P.S.- Jitna, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samir Kumar,Adv.

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

10 06-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Complaint Case No.976 of 2011, registered for the offences punishable under Sections 498(A), 406/34 of the Indian Penal Code.

The marriage of the informant and the petitioner is stated to have been solemnized in the year, 1998 as per Hindu rights and rituals, whereafter, the informant had gone to her matrimonial home and was living there peacefully, but, subsequently, the petitioner and his family



members started torturing the informant mentally and physically on account of non fulfillment of the demand for dowry. It is further alleged that subsequently, the petitioner had solemnized second marriage, leading to the informant being ousted from her matrimonial home.

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 17.04.2022. The learned counsel for the petitioner has further submitted that despite notice, opposite party no.2, has not bothered to appear before this Court, nonetheless, the petitioner is still ready and willing to settle the matrimonial dispute in question and for that purpose, if any mediation proceedings are initiated by the learned trial court, he would definitely co-operate and ensure that the dispute in question is settled once and for all.

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 Sub-Divisional Judicial Magistrate, Sikhrana at Dhaka, Motihari, East Champaran in connection with Complaint Case No.976 of 2011.

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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