

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39077 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- MAHILA P.S. District- Saran

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RUPESH KUMAR son of Dashrath Prasad Resident of Village- Maghi, P.s.-
Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Suman Kumari W/o Rupesh Kumar, D/o- Rajendra Prasad Singh, resident of
Village- Maghi, P.s.- Basantpur, District- Siwan, Presently residing at
Village- Semraha, P.s.- Panapur, District - Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adovcate

For the Opposite Party/s : Mr. Manoj Kumar Madhukar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 31-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in
connection with Mahila (Chapra) P.S. Case No.19 of
2022, registered for the offences punishable under
Section 498A of the Indian Penal Code and
Sections 3 and 4 of the Dowry Prohibition Act.

In pursuance to the order dated
11.01.2023, it appears that the parties have not
talked among themselves with regard to
possibility of settlement of matrimonial dispute in



question amicably, however, learned counsel for the petitioner as also learned counsel for opposite party no.2 submit that the matter be relegated to the learned court below for mediation and the learned court below be directed to make endeavours to settle the matrimonial dispute amicably and in case the mediation fails, it may take a final call with regard to either confirming the provisional bail already granted to the petitioner or revoking the same.

Per contra, the learned APP for the State has submitted that it would be in the interest of the parties, if the matter is referred for mediation.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present petition with a direction to the learned court of 1st Additional District & Sessions Judge-IVth, Saran at Chapra, in connection with Mahila (Chapra) P.S. Case No.19 of 2022, to fix a date for appearance of the petitioner and the opposite party no.2,



whereupon it shall engage them in the mediation process with a view to settle the matrimonial dispute in question amicably.

It is needless to say 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 14.11.2022, passed in the present case, shall stand cancelled automatically and he shall be taken into custody forthwith.

It is made clear 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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