

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41955 of 2022

Arising Out of PS. Case No.-163 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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SHEKHAR SUMAN MISHRA Son of Sri Raghuvir Mishra Resident of
Village - Siswa, P.S.- Pandaul, District – madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rashmi, D/o Late Suresh Jha, R/v-Harauli, P.S.-Kusheshwar Ashtan,
District-Darbhanga

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 25-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Kusheshwar Asthan P.S. Case No. 163/2022, registered for the offence punishable under Sections 498(A), 341, 323, 307, 380, 504, 506 and 120(B) of the Indian Penal Code.

The allegation is regarding the marriage of the informant having been solemnized with the petitioner about 12 years back and subsequently, she had started living in her matrimonial home, however, some matrimonial disputes had arisen,



whereafter the informant had started living at Delhi, however, subsequently, when she had come to her parental house at Harauli, the accused persons including the petitioner had arrived there, had assaulted her and had also decamped with ornaments worth Rs. 8 lakhs.

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 9.5.2022. The learned counsel for the petitioner has further submitted that the informant has already filed a divorce case and if the matter is referred for mediation, there is all likelihood that the matrimonial dispute in between the parties may be settled amicably.

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

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 Ld. Court of Sub-Divisional Judicial Magistrate, Biraul in connection with Kusheshwar Asthan P.S. Case No. 163 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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