

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42261 of 2022

Arising Out of PS. Case No.-249 Year-2020 Thana- DIGHWARA District- Saran

Mithilesh Manjhi Son Of Lakshman Manjhi @ Laxaman Manjhi Resident Of
Village- Kanakpur, P.S- Dighwara, Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpi Kumari D/o Vijendra Manjhi, Wife of Mithilesh Manjhi Resident of
village- Yadopur, P.S- Dariyapur, Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 16-03-2023 Heard Mr. Anant Kumar Bhaskar, learned counsel
appearing on behalf of the petitioner.

2. The petitioner seeks provisional bail in connection
with Dighwara P.S. Case No. 249 of 2020 registered under
Sections 341, 307, 323, 504, 506, 379, 498(A) of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. The prosecution story, in brief, is that Opposite
Party No. 2 has filed this case alleging that she was married to
the petitioner and after marriage the petitioner started
demanding a motorcycle and for non-fulfillment of the said
demand the petitioner started assaulting her.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is ready to keep Opposite Party No. 2 with full dignity and honour. Learned counsel further submitted that the petitioner is also ready to solve the matrimonial dispute on any terms and conditions aggrieved by the Opposite Party No. 2.

5. Learned counsel appearing on behalf of Opposite Party No. 2 submitted that the Opposite Party No. 2 is a poor lady and she has to take care of her child on her own for which petitioner is not cooperating her financially to raise the child which is the sole obligation of the petitioner.

6. Considering the rival submission made by the parties and nature of dispute, the petitioner is directed to be released on provisional bail with a condition that he must incur all the expenses required to Opposite Party No. 2 for raising the child till he obtains any order from the competent Court, in case he is not ready to keep the Opposite Party No. 2 along with him. The petitioner is directed to be released on bail subject to the above condition as well as considering the fact that the Opposite Party No. 2 is ready to live along with the petitioner, the Court below must strive to settle the matrimonial dispute and try to reconcile the same if required the matter can be referred to the Mediation Centre for amicable settlement between the parties



within a period of one year. If the mediation fails for any reason, if the party do no reconcile then in that case the parties are at liberty to avail appropriate remedy and this order will loose its force. In case the petitioner and the Opposite Party No. 2 lives together and lead happy matrimonial life then the provisional bail granted by this Court shall be made absolute after one year.

7. Court below is directed to release the petitioner on provisional bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M.-VI, Saran, Chapra in connection with Dighwara P.S. Case No. 249 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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