

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46800 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA P.S. District- Siwan

KARAN TIWARY @DEWID Son of Rabibhushan Tiwari Resident of Village
- Korari Khurd, P.s.- Daraundha, Distt.- Siwan.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jaya Kumari W/o Karan Tiwary Resident of Village - Korari Khurd , P.S.-
Daraunda, Distt.- Siwan, Presently Resident of Village - Shanti Nagar,
Rajendra Stadium, P.s.- Town (Nagar), Distt.- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Tej Narayan Singh, Adv.
For the Opposite Party/s	:	Mr.Pushpa Sinha.1, APP
For the Informant	:	Mr. Ram Chandra Sahni, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 02-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State as also the
learned counsel appearing for the informant.

The petitioner seeks regular bail in connection with Siwan Mahila P.S. Case No. 11 of 2021, registered for the offence punishable under Sections 341, 323, 304, 506, 498A of the Indian Penal Code and Section 3 /4 of the D.P.Act.

The marriage of the petitioner and the informant is stated to have been solemnized on 19.11.2019, whereafter the informant had gone to her matrimonial home, however, subsequently,



her in-laws started mentally harassing and torturing her on account of non-fulfillment of the demand for dowry and finally, they had assaulted her and ousted her 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 26.5.2022. The learned counsel for the petitioner has further submitted that the petitioner is ready and willing to keep his wife with due honour and dignity. It is further submitted that the petitioner is not averse to the idea of joining mediation proceedings, in case the same is initiated by the learned court below.

Per contra, the learned APP for the State and the learned counsel for the informant i.e. the wife of the petitioner herein have though vehemently opposed the prayer for bail, but have submitted that the informant is also not averse to the idea of joining mediation process for the purposes of amicably settling the



matrimonial dispute in question.

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 S.D.J.M., Siwan in connection with Siwan Mahila P.S. Case No. 11/2021.

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)

Ajay/-

U		T	
---	--	---	--

