

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47999 of 2023

Arising Out of PS. Case No.-55 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Indra Paswan @ Indra Kumar Paswan S/o Jawahar Paswan Resident of
Village-JhalounPiprahi, P.S.-Ladaniya, District-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi D/o Jay Prakash Paswan Resident of Lakshmipur, P.S.-Kaluahi,
District-Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Thakur, Adv.
For the State	:	Mr. Md. Anbzarul Haque Sahara, APP
For the opposite party no. 2	:	Mr. Gagandeo Yadav, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Prabhakar Thakur, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State. The opposite party no. 2 is

represented by Mr. Gagandeo Yadav, learned counsel.

2. The petitioner, who happens to be the husband of
the opposite party no. 2, apprehends his arrest in connection
with Complaint Case No. 55 of 2022, registered for the offences
punishable under Sections 323, 379, 498(A)/34 of the Indian
Penal Code and 3/4 of the Dowry Prohibition Act.

3. Allegedly, the marriage of the petitioner was
solemnised with the opposite party no. 2 in the year 2012.
Thereafter, the complainant lived in her matrimonial home very



happily for five years and they also blessed with two children. Later on, she was subjected to demand of dowry and on account of non fulfillment of the same she was ousted from her matrimonial home.

4. Learned counsel appearing on behalf of the petitioner, while drawing the attention of this Court to the solemn affirmation of the complainant, submits that the complainant in her solemn affirmation stated that she had been living happily with the petitioner and there had never been any demand or torture; and now she has been living for last two years in her *maika*, where she came to know that her husband is solemnising another marriage, thereafter this complaint case has been instituted. He next submits that the allegation against the petitioner that he has performed second marriage is completely false and he is always ready to keep the complainant as his wife with full dignity and respect, as has been mentioned in paragraph no. 6 of the application.

5. On the other hand, learned counsel for the opposite party no. 2 submits that she was subjected to mental torture and physical harassment and if the matter is sent for mediation, there is possibility of settlement between the parties.

6. In view of the statement made on behalf of the



parties, let the matter be referred to the Patna High Court Mediation Centre, Patna for mediation between the parties so that any amicable settlement may be arrived at.

7. Both the parties are hereby directed to appear before the Mediation Centre of the Patna High Court within three weeks from today and thereafter the Mediator shall fix a firm date with consent of the parties and take all efforts to resolve the dispute preferably within a period of three months and submit a report to this Court.

8. In view thereof, let the petitioner above-named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Complaint Case No. 55 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

9. It is needless to observe that in case the petitioner will not endeavour to resolve the dispute, the opposite party no. 2 would be at liberty to file an application before the court



below for proper action in the matter, who will consider her
prayer and pass appropriate order, in accordance with law.

(Harish Kumar, J)

Anjani/-

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