

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47945 of 2022

Arising Out of COMPLAINT Case No.-432 Year-2021 District- East Champaran

Prakash Singh S/o Pramod Singh Resident of Village- Kunwarpur,
Shambhuchak, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Khushi Kumari D/o Sri Alakh Narayan Singh, W/o Prakash Singh Resident
Of Narayan Pakri, P.S.- Pakari, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 22-05-2023 Though the matter was referred to the Mediation and Conciliation Centre, Patna High Court for resolving the matrimonial issues, existing in between the parties, but the learned counsel for the parties have submitted that since the learned Mediator is extending the proceedings from day to day, hence it would be better if the learned trial Court mediates in between the parties and resolves the matrimonial disputes in question, amicably.

Heard the learned counsel for the petitioner and the learned APP for the State.



This is an application for grant of anticipatory bail in connection with Trial No.1313 of 2022, arising out of Complaint Case No.432 of 2021, registered for the offence punishable under Section 498(A) of the Indian Penal Code.

The case of the prosecution, in brief, is that the marriage of the petitioner is stated to have been solemnized with the complainant on 09.08.2014, whereafter the informant had gone to her matrimonial home, however, the accused persons, including the petitioner herein, started torturing her and levelling false accusation, leading to the informant leaving 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, and he is having a clean antecedent. It is further submitted that the petitioner is not only ready and willing to keep his wife with due honour and dignity but is also agreeable to participating in any mediation proceedings to be initiated by the learned Trial Court.



Per contra, the learned APP for the State has submitted that the best course would be to relegate the petitioner and his wife i.e. the informant to the mediation process so that the matrimonial dispute in question can be settled amicably.

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 liberty to the petitioner to surrender before the learned court of Chief Judicial Magistrate, East Champaran at Motihari in connection with Trial No.1313 of 2022, arising out of Complaint Case No.432 of 2021, within a period of four weeks from today, whereupon the petitioner shall be admitted to the privilege of provisional bail on the very same day and then the learned court below shall issue notice to the complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes



between them.

The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to the petitioner or revoking the same subject to outcome of the mediation proceeding as also considering the case of the petitioner on merits, without being prejudiced by the dismissal of his anticipatory bail petition by the learned court below.

In the meantime, for a period of four weeks from today, no coercive steps shall be taken against the petitioner herein.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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