

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49582 of 2022

Arising Out of PS. Case No.-407 Year-2021 Thana- HARSIDHI District- East Champaran

RAM PRAVESH KUMAR Son of Awadhesh Yadav Resident of Village -
Telua (Uttari), P.S. - Nautan, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunanada Kumari Daughter of Umesh Yadav At Present R/o Village -
Sonvarsa, P.S. - Harsidhi, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar, Adv.
For the Opposite Party/s	:	Mr.Rana Randhir Singh, APP
For the Informant	:	Mr. Dhannjay Kumar No. 2, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 12-01-2023 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 Harsidhi P.S. Case No. 407 of 2021 (G.R.Case No. 5748 of 2021), registered for the offence punishable under Sections 498(A) of the Indian Penal Code and Section 3/ 4 of the D.P.Act.

The allegation is regarding the marriage of the informant having been solemnized with the petitioner on 17.4.2019 according to Hindu Rites



and Customs and at the time of marriage, it is alleged that the father of the informant had given many gifts to the accused persons, apart from having given cash amount, whereafter the informant had gone to her matrimonial home where the petitioner herein used to always come in drunken condition and misbehave with the informant as also used to demand dowry. It is also alleged that on 25.1.2021 at about 10:00 pm., the accused persons including the petitioner herein had tried to burn the informant by setting her on fire, however, on account of intervention of the neighbours, she was saved and then, on the next morning, she had left for her paternal house.

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 30.1.2022. It is submitted that the petitioner is ready and willing to keep her wife i.e. the informant herein with due honour and dignity and he is ready to settle the



matrimonial dispute in question by participating in mediation proceedings, in case the same are initiated.

Per contra, though the learned APP for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for bail, however, it has been submitted that in case, this Court deems it fit and proper to relegate the parties to mediation, the informant would definitely participate in the mediation proceedings with a view to amicably settle the matrimonial discord in between the petitioner and the informant.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to grant liberty to the petitioner to surrender before the learned court below within a period of four weeks from today, whereupon he shall be granted provisional bail on the very same day by the learned Chief Judicial Magistrate, East



Champaran, Motihari in connection with Harsidhi P.S.Case No. 407 of 2017 (G.R.Case No. 5748 of 2021), subject to such conditions as may be deemed fit and proper to be imposed by the learned court below and then, the learned court below shall hold mediation proceeding in between the petitioner and his wife, for which purpose the learned court below shall issue notice to the wife of the petitioner and summon the wife. It is expected that the learned court below shall make all endeavour to settle the matrimonial dispute in question. It is further directed that after the conclusion of the mediation proceeding, the learned court below shall take a final call with regard to either confirming the provisional bail to the petitioner or revoking the same, depending upon the outcome of the mediation proceedings as also upon application of its own independent mind on the merits of the case, without being prejudiced by its earlier order rejecting the case of the petitioner for grant of anticipatory bail.



The present petition stands disposed off with
the aforesaid directions.

(Mohit Kumar Shah, J)

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