

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53756 of 2022

Arising Out of PS. Case No.-24 Year-2016 Thana- MAHILA THANA District- Begusarai

RAHUL PASWAN @ RAHUL KUMAR PASWAN S/o Congres Paswan @
Conges Paswan Resident of Village- Husainichak, Ward No.05, P.S.- Ballia,
District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi, D/o Lochan Paswan, r/o vill-Nima, PS-Nima Chandpura,
Dist-Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

5 01-02-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 24 of 2016 for the offence registered
under Sections 498A, 494 of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

The allegation is regarding the marriage of the
informant having been solemnized with the petitioner on
05.12.2013, however, subsequently, the accused persons
including the petitioner herein, who is the husband of the victim
lady, started harassing and torturing the informant on account of



non-fulfilment of the demand for dowry and it is alleged that subsequently, the petitioner has solemnized second marriage on account of the fact that the informant is handicapped.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 30.04.2022. The learned counsel for the petitioner has further submitted that the petitioner is ready and willing to settle the matrimonial dispute in question and for the said purpose, he is willing to participate in mediation proceedings, if any, to be initiated by the learned trial court.

Per contra, the learned counsel for the opposite party no. 2 i.e. the informant has submitted that it would be appropriate if mediation process is resorted to and the matter is settled in between the parties amicably. The learned APP for the State has also submitted that it would be appropriate that the parties are relegated to mediation process so that the matrimonial disputes amongst the parties 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 provisional bail to the petitioner herein, subject to such conditions, as may be deemed fit and proper to be imposed by the learned Court of S.D.J.M., Begusarai in connection with Mahila P.S. Case No. 24 of 2016.

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)

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