

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55875 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- BYPASS District- Patna

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BHOLA SHANKAR PRASAD SON OF RAM BABU MAHATO R/O
VILLAGE- BAHRI BEGAMPUR, PAR POKHRA, PATNA CITY, P.S.-
BYPASS, DISTT.- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. JULI DEVI WIFE OF BHOLA SHANKAR PRASAD, D/O- VIJAY MAHATO R/O VILLAGE- BAHRI BEGAMPUR, PAR POKHRA, PATNA CITY, P.S.- BYPASS, DISTT.- PATNA, AT PRESENT R/O VILLAGE- CHOTI PAHARI KUMHAR TOLI, P.S.- BARI PAHARI (KRISHNA NIKETAN), P.S.- AGAMKUAN, DISTT.- PATNA, PIN-800007

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Adv.
For the Opposite Party/s : Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bypass P.S. Case No. 202 of 2022 registered for the offence punishable under Sections 323, 341, 504, 506 and 498A/ 34 of the Indian Penal Code.

The marriage of the petitioner is stated to have been solemnized with the informant on 24.11.2010, as per Hindu rites and rituals, whereafter the informant had gone to her matrimonial home and subsequently, out of the said wedlock, two children were born, however, subsequently, matrimonial



disputes had arisen in between the parties and the informant was confined in a room as a convict and subsequently, she was ousted from her matrimonial home.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. 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 and is also willing to participate in any mediation proceedings to be initiated by the learned court below with a view to amicably settling the matrimonial dispute in question.

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 and considering the submissions made by the learned counsel for the petitioner, I deem it fit and proper to direct the petitioner to surrender before the learned court of ACJM, VI, Patna City in connection with Bypass P.S.Case No. 202 of 2022, 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 informant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes in between them amicably.

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 present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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