

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58518 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

CHANDRA SHEKHAR TIWARI Son of Shambhu Nath Tiwari R/V/
Mohalla- Ward No. 39, Goshala (Katihar), P.S- Katihar (Town) Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mamta Kumari @ Mamta Tiwari D/o Rajendra Pandey W/o Sri Chandra Shekhar Tiwari R/V- Bhagat Singh Road, Ward No. 16, P.S- Naugachhia, Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 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. 26 of 2021 for the offence registered under Sections 323, 341, 498(A), 307 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The case of the prosecution, in brief, is that the marriage of the informant was solemnized with the petitioner on 18.05.2020, whereafter she had gone to her matrimonial home, however, the accused persons including the petitioner herein,



who is the husband of the informant, used to harass her and subsequently, it is alleged that she was ousted from her matrimonial home on 15.12.2020.

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 languishing in custody since 29.07.2022. It is further submitted that the petitioner is ready and willing to participate in mediation proceedings, if the same is initiated with a view to amicably resolve the matrimonial dispute in question, including exploring the possibility of One Time Settlement.

Per contra, the learned A.P.P. for the State has though opposed the prayer for bail but he is not averse to the idea that the parties may be engaged in mediation process so that the matrimonial dispute amongst them may 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 in the case dairy, I deem it fit and proper to grant provisional bail to the petitioner herein, subject to such conditions as may deemed fit and proper to be imposed by the learned court of S.D.J.M., Naugachhiya, (Bhagalpur) in connection with Mahila P.S. Case No. 26 of 2021.

It is further directed that the learned court below shall then engage the complainant-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 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 the final outcome of the mediation proceedings as also considering the case of the petitioner on merits, without being prejudiced by the 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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