

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60806 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- BARSOI District- Katihar

RAKESH KUMAR MANDAL S/o Late Vishwanath Mandal R/o Village-
Raghunathpur, P.S.- Barsoi, Distt- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi W/o Rakesh Kumar Mandal, D/o Garib Lal Mandal R/o
Village- Raghunathpur, P.S.- Barsoi, Distt- Katihar. Parentage Address-
Resident of Village- Hundeli, P.S.- Pranpur, Distt- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Ms.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2023 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barsoi P.S. Case No.139 of 2022 for the offences registered
under Sections 341, 323, 363, 365, 498A/34 of the Indian Penal
Code.

The informant is stated to have solemnized marriage
with the petitioner in the year 2021 whereafter a child was born
out of the wedlock. The further allegation of the informant is
that she was subjected to physical and mental torture on account
of non-fulfillment of demand for dowry.

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 13.06.2022. The learned counsel for the petitioner has further submitted that the petitioner is ready and willing to keep his wife i.e. the opposite party no. 2 with due honour and dignity and is also ready to participate in mediation proceedings to be initiated by the Ld. Court below, in order to resolve the matrimonial disputes amicably.

Per contra, the learned APP for the State has got no objection in case the matter is referred for mediation.

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 Ld. Court of Additional Chief Judicial Magistrate-1, Katihar in connection with Barsoi P.S. Case No.139 of 2022.

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)

kanchan/-

U		T	
---	--	---	--

