

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71769 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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KRISHAN KANHAIYA @ KISHAN KUMAR YADAV @ KRISHNA
KUMAR YADAV S/o Thakkan Yadav R/v- Sonbari, P.O.- Bhariya,
Bishanpur, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. YAMUNA KUMARI W/o Krishan Kanhaiya @ Kishan kumar Yadav @
Krishna Kumar Yadav R/v- Sonbari, P.O.- Bhariya, Bishanpur, P.S.-
Rajnagar, District- Madhubani At present Yamuna Kumari, D/o Bhageshwar
Yadav, R/v- Chatra, Charwa Tol, P.S.- Khajauli, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with C.R. Case No. 76 of 2022 giving rise to T.R. No. 1747 of 2022 for the offence registered under Sections 341, 323, 379, 498A, 504 and 307 of the Indian Penal Code.

The allegation is regarding the marriage of the complainant having been solemnized with the petitioner on 29.05.2019 as per Hindu rite and



ritual, however, subsequently the accused persons including the petitioner herein started making demands for dowry and upon non-fulfillment of the same, they used to harass and torture the complainant and subsequently they had assaulted her and ousted her from the matrimonial home.

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 having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is not only ready and willing to keep his wife with due honour and dignity but he is also ready to participate in any mediation proceedings to be conducted in connection with the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

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 liberty to the petitioner to surrender before the learned court of S.D.J.M., Madhubani in connection with C.R. Case No. 76 of 2022, giving rise to T.R. No.1747 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 complainant-wife and hold mediation proceeding in between the petitioner and his wife with a view to settle the matrimonial disputes between them.

The learned court below is directed to take a final call with regard to either confirming the provisional bail to be granted to be 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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