

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5094 of 2025

Arising Out of PS. Case No.-1084 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

CHANDAN RAI s/o RAMESH RAI R/O BHELAI, PS- DANDKHORA,
DIST- KATIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. Rani Kumari W/O Chandan Rai, D/O Asarhu Rai R/O BHELAI, PS-
DANDKHORA, DIST- KATIHAR at present, R/O Ahmadpur, PS- Balia
Belon, DIST- katihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rajiv Nayan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 1084 of 2022 for the offence registered under sections 498(A) of the IPC and 4 D.P. Act.

3. As per the prosecution story, the complainant alleged that she was married to the petitioner but for want of dowry, was always tortured. When she became pregnant, he started teasing her that the child does not belong to him. Later, she was ousted from the home. This led to the case.

4. In this petition, the Co-ordinate Bench had issued notice to the opposite party no. 2 and according to the report, the notice was served upon her and she duly put in her signature but



has chosen to remain absent.

5. Learned counsel for the petitioner submits that even during mediation before the learned Sessions Court in A.B.P. No. 1488 of 2024 (Mediation Case No. 16 of 2024), the lady chose not to present herself.

6. Learned APP on the other hand has taken this Court to Annexure-2 to show that the Mediator has given two different reports, firstly on 02.03.2024 and secondly on 08.05.2024 i.e. after two months to show that actually Rani Kumari was not present during the mediation.

7. It would be appropriate to record both the mediation report which read as follows:

1. *Mediation Report*

Mediation Case No. 16/24

(A.B.P. 1488/23)

Rani Kumari Vs. Chandan Kumar Rai

In pursuance of referral order mediation proceeding arranged. During mediation petitioner/OP, Rani Kumari remained present on 06.02.24, 16.02.24, and 29.02.24 but Chandan Kumar Rai didn't appear on any date fixed due to which mediation could not be proceeded, hence mediation is being closed as not startup.

sd/-

Ramesh Prasad Jaiswal
(Trained Mediator)



2. *Modified Mediation Report*
Mediation Case No.- 16/24
(A.B.P.- 1488/23)

In Pursuance of referral Order Mediation Proceeding had been arranged and accordingly a report had been sent earlier. Due to inadvertence, the presence of Rani Kumari had been assigned which Was Wrong. As a matter of fact, Chandan Kumar had remained Present on 6.02.24, 16.02.24 and 29.02.24 during mediation but despite proper information, Rani Kumari never appeared during mediation due to which mediation could not be started.

sd/-

Ramesh Prasad Jaiswal
Mediator

8. Prima facie, this Court finds that the explanation given in the second report cannot be accepted. The Mediator, Mr. Ramesh Prasad Jaiswal in the first report clearly records that Chandan Kumar chose to absent himself on 06.02.2024, 16.02.2024 and 29.02.2024 whereas two months later, he gives another certificate that it was due to inadvertence that he recorded the absence of Chandar Kumar and actually it was Rani Kumari who was absent.

9. He is to submit a show cause duly routed through the learned Principal District and Sessions Judge, Katihar which must come to this Court clarifying the issue in next four weeks whereafter, further steps shall be taken in accordance with law.



10. So far as the case is concerned, though allegation is there, the paragraph 11 shows that he has filed a Matrimonial Case for Restitution of Conjugal Rights vide Matrimonial Case No. 333 of 2022, the lady despite notice has chosen not to appear, the case is there, he shall be facing the music, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

11. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of S.D.J.M., Katihar in connection with Complaint Case No. 1084 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

12. List this case on 02.07.2025 under the heading ‘To Be Mentioned’ to peruse the show cause submitted by the Mediator, Mr. Ramesh Prasad Jaiswal.

(Rajiv Roy, J)

Vijay Singh/-

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

