

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32058 of 2014**

Arising Out of PS.Case No. -252 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT District-  
WESTCHAMPARAN(BETTIAH)

Ashok Yadav

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

4 05-02-2015

Heard learned counsel for the petitioner, learned  
Additional Public Prosecutor for the State as well as learned  
counsel for opposite party no.3.

Petitioner happens to be husband of opposite party no.  
3 and there is allegation of torturing against him

The submission on behalf of the petitioner is that he is  
still ready to keep the opposite party no. 3 with him and if the  
opposite party no. 3 is not ready to lead her conjugal life with the  
petitioner, the petitioner may enter into one time settlement.

It would appear from perusal of the impugned order  
that petitioner admitted about his second marriage before the  
Session Judge and therefore, in my view, the opposite party no. 3  
has sufficient ground to reside separately from the petitioner.  
Moreover, if petitioner is interested to settle the dispute by way of

one time settlement, it would be appropriate to direct the petitioner to surrender before the court of learned Sub Divisional Judicial Magistrate, Bagaha, West Champaran in connection with trial no. 5140 of 2012 arising out of Complaint Case No. 252C of 2011.

Accordingly, this petition stands disposed of with direction to the petitioner to surrender before the court below within four weeks from today and seeks regular bail on the ground that he is ready to settle the dispute by way of one time settlement and if petitioner does so, the learned court below shall release the petitioner on the day of his surrender on provisional bail for the period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court and after releasing the petitioner, the concerned court shall issue notice to the petitioner as well as opposite party no. 3 fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within four months from the date of issuance of the above stated notice. It goes without saying that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself, but if the concerned court fails in his attempt due to rigid and non co-operative approach of the petitioner, the provisional bail granted to him shall not be confirmed by the

concerned court and in that event petitioner shall be taken into custody by the concerned court and his regular bail shall be decided on merit. It is needless to say that, if, the concerned court fails in his attempt due to non co-operative and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

**(Hemant Kumar Srivastava, J)**

Namita/-

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