

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36863 of 2013**

Arising Out of PS.Case No. -291 Year- 2011 Thana -SAKRA District- MUZAFFARPUR

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1. Saurabh Kumar S/O Late Purshottam Singh R/O Village-Jogiyar, Ps-Bahadurpur, Dist-Darbhanga

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Anima Kumari, D/o Sudhakar Prasad Thakur, Resident of Village-Mohammadpur, P.S. Sakra, District-Muzaffarpur.

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

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**Appearance :**

For the Petitioner/s : Mr. Dudh Nath Singh

For the Opposite Party/s : Mr. Asha Kumari(App)

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

10 02-07-2015 Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner happens to be husband of opposite party No. 2 and apprehends his arrest in connection with Sakra P.S. Case No. 291 of 2011 registered for the offence under Sections-341, 323, 328, 498(A)/34 of the Indian Penal Code and Section-3/4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the petitioner has already filed Divorce Suit against the opposite party No. 2 and after filing of aforesaid divorce suit, the opposite party No. 2 has lodged the present case but even if, the petitioner is ready to settle the dispute by way of one time settlement.

Learned counsel, appearing for the opposite party

No. 2 submits that there is specific allegation that poison was administered to the opposite party No. 2 and it is apparent from the first information report that some cash was deposited in the account of the petitioner as well as his mother.

Considering the aforesaid facts and circumstances as well as submission of the parties, this anticipatory bail petition stands disposed off with direction to the petitioner to surrender before the court of Learned Chief Judicial Magistrate, Muzaffarpur/concerned court in connection with Sakra P.S. Case No. 291 of 2011 within four weeks from today and if, regular bail petition is filed by the petitioner with a proposal of one time settlement, the concerned court shall release the petitioner on provisional bail for the period of two months and shall issue notice to the opposite party No. 2, fixing a date for resolving the dispute of the parties by way of one time settlement. The concerned court shall take all possible steps to patch up the dispute of the parties by way of one time settlement.

However, if, the concerned court fails in his attempt due to rigid and non-cooperative approach of the petitioner, in that event, the petitioner shall be taken into custody and appropriate order on regular bail petition of the petitioner shall be passed by the concerned court.

It goes without saying that if, the concerned court succeeds in his attempt or the dispute could not be resolved by way of one time settlement due to non-cooperative and rigid approach of the opposite party No. 2, the provisional bail granted to the petitioner shall be confirmed by the learned court below itself. It is also made clear that all the above-said steps must be taken by the concerned court within the above-said period of two months.

A.K.V./-

**(Hemant Kumar Srivastava, J)**

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