

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35299 of 2014

Arising Out of PS.Case No. -743 Year- 2011 Thana -MUZZFARPUR COMPLAINT CASE District- MUZZAFFARPUR

===== Shiv Shankar Kumar, Son of Late Ram Sewak Singh, Resident of Village, P.O. & P.S. Kartaha, District Vaishali.

.... Petitioner

Versus

State of Bihar & Anr

.... Opposite Party

===== **Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Dr. Rabindra Kumar(App)

===== **CORAM: HONOURABLE MR. JUSTICE DHARNIDHAR JHA**
ORAL ORDER

2 11-02-2015

Heard.

The petitioner is the husband and has been summoned on a petition of complaint for allegedly committing an offence under Section 498 etc. of the Indian Penal Code.

The submission on behalf of the petitioner is that he is ready to take the lady back to his familyfold and the court should hear it with all respect and kindness.

This Court has not chosen to go into the merits of the allegations appreciating the fact that in most of the cases, it could be incompatibility of the spouses which generally is within the root of filing all such petitions of complaint. The Court feels that it is better that the petitioner appear before the court below and file a petition expressing his intention that he is ready to take the lady back to his familyfold. The court below shall admit the

petitioner to bail after furnishing a bond to its own satisfaction and shall fix a date by issuing a notice to the lady both by general process of *Nazarat* as also through the police station within whose jurisdiction the lady may be residing. That address shall be pointed out by the petitioner very clearly in his petition.

On appearance of the lady before it, the S.D.J.M., Muzaffarpur West, Muzaffarpur shall proceed to talk to the parties jointly as also separately in confidence in his chambers so as to finding out as to what were the knots appearing in the relationship and shall try to reconcile the parties to their merital status so as to making an effort in bringing the marriage back on its track. If need be, the court below shall be free to adjourn the hearing to yet another date or as many dates as felt desirable to make a serious attempt of reconciliation between the parties and if it was found that the lady was taking a very difficult position and was placing some most unreasonable conditions then it shall proceed to admit the petitioner to bail permanently. In case the petitioner appears taking a difficult position and further appears putting up any unreasonable condition, his bail-bond shall be cancelled and he shall be remanded to custody.

With the above directions, this petition stands disposed of.

In case of the parties having reconciled and the court is satisfied in due course of time that they have amicably settled down again as married couple then the court shall try to dispose of the case on compromise.

(Dharnidhar Jha, J.)

Sanjay/-

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