

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80049 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- MAHILA PS District- Katihar

Shashi Kant Singh @ Tutu, Son of Ramakant Singh, Resident of Village –
Nawabganj, Police Station – Manihari, District – Katihar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Anshuman Jaipuriyar, Adv.
For the Opposite Party/s :	Mr. Sri Harendra Prasad, APP
For Informant :	Mr. Sanjeev Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 22-04-2019 This application, for grant of anticipatory bail, arises
out of Mahila P.S. Case No. 48/2018, disclosing offences under
Section 498A, 323, 504/34 of the Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the informant and
allegation against him is of subjecting the informant to cruelty
and torture with respect to demand of dowry and also ousted her
from her matrimonial house.

Earlier vide order dated 31.01.2019, the matter was
referred to Patna High Court Mediation and Conciliation Center,
Patna for amicable settlement of dispute between the parties,
however, the report of Mediator shows that despite best efforts,
the dispute between the parties could not be resolved through
process of mediation as both the parties are adamant on their



stand.

Submission of learned counsel for the petitioner is that all the allegations are false and concocted and he is still ready to keep the informant with full honour and dignity but it is the informant, who is adamant and imposed the condition that petitioner has to live separately from his father and for that petitioner is not ready.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has submitted that the informant is also ready to live with the petitioner, if she is kept with full honour and dignity as a wife and she has never put any such condition that she want to live separately from her father-in-law.

Having heard both sides, considering the facts and circumstances of the case, this application is disposed of with direction to the petitioner and the informant to appear before the concerned court below on 10.05.2019 along with the informant and if the petitioner files a petition that he is ready to keep the complainant with himself with full honour and dignity and if he is willing to take the complainant with himself from the court below itself and the informant shall also file an affidavit that she has no such pre-condition to live separately with her husband



from father-in-law, on which, the court below shall release the petitioner on provisional bail for a period of six months to his own satisfaction and in the meantime, the court below will watch the conduct of the parties by calling them in the first week of each month for a period of six months and after six months, if the court below is satisfied with the conduct as well as matrimonial life of the parties, he will confirm the provisional bail of the petitioner otherwise, he will pass an appropriate order including cancellation of provisional bail of the petitioner.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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