

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26219 of 2020

Arising Out of PS. Case No.-508 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Akash Paswan, Son of Binod Paswan, Resident of Village - Ghogha Parsauni,
P.S.- Balthar, District - West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sushma Devi, daughter of Vindhyachal Paswan, Wife of Akash Paswan,
Resident of Village - Ghogha Parsauni, P.S.- Balthar, District - West
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Sachida Nand Rai, Advocate
For the S t a t e	:	Mr.Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-10-2020 Since as of now the Courts have not resumed normal

physical hearing, the matter has been listed today for

consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No.508 of 2018 registered for the offence
punishable under Section 498A of the Indian Penal Code and



Section 4 of the Dowry Prohibition Act, pending before the court of the learned Sub-Divisional Judicial Magistrate, Bettiah, District-West Champaran.

The allegation is made by the wife of the petitioner.

Learned Counsel for the petitioner submits that he is willing to reconcile the issue with his wife and to live with her. Counsel for the petitioner further submits that the petitioner will make all genuine efforts to reconcile the issue so that the reconciliation culminates in restoration of matrimonial harmony or one time settlement as may be agreed upon between the petitioner and the complainant.

Learned Counsel for the State does not object to such proposal as long as amicable settlement is reached between the parties.

In view of the said submission since terms of reconciliation has to be worked out, this Court would direct that if the petitioner, above named, surrenders in the court below, i.e. the court of learned Sub-Divisional Judicial Magistrate, Bettiah, District-West Champaran within a period of four weeks from today, in connection with Complaint Case No.508 of 2018, and submits an undertaking to this effect at the time of his surrender, the court below, after issuing notice to Opposite party No. 2



(wife) may grant provisional bail to the petitioner. The parties would make attempt to work out an amicable resolution of the dispute and the matter would be reviewed by the court below after three months. This court makes it clear that if the issue is resolved amicably, the provisional bail granted to the petitioner should be confirmed. If the developments are, however, otherwise, the court below would be free to pass orders in exercise of its judicial discretion, including cancellation of the provisional bail granted to the petitioner.

With the aforesaid observations the application stands disposed of.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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