

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 22740 of 2020**

Arising Out of PS. Case No.-1355 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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LAXMAN YADAV Son of Bhuneshwar Yadav Resident of Village-Pateya,
P.S.-Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangeeta Kumari Wife of Laxman Yadav, D/o Yogendra Yadav Resident of Village-Pateya, P.S.-Fatehpur, District-Gaya. At present Residing at Village-Jani Bigha, P.S.-Bodhgaya, District-Gaya.

... .. Opposite Party/s

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For the Petitioner/s	:	Mr Tabish Sharfuddin, Advocate
For the Opposite Party/s	:	Ms Rina Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

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

Petitioner apprehends arrest in connection with



Complaint Case No 1355 of 2018, Trial No 3561 of 2018 instituted for the offence punishable under Section 498A of Indian Penal Code and Section 4 of Dowry Prohibition Act.

Petitioner's counsel submits that being husband, petitioner is willing to keep the Complainant along with him and ensure restoration of matrimonial harmony. It is submitted that the case under Section 498A of Indian Penal Code has been lodged merely on the basis of some domestic misunderstanding. Since the petitioner's counsel could not receive instructions on time regarding petitioner's willingness to keep and maintain his wife, learned counsel appearing in the Court below could not convey the petitioner's consent and, as such, the anticipatory bail application has been rejected by the Court of Additional Sessions Judge VI, Gaya on 22.02.2020, even though the complainant (wife) is willing to resume matrimonial harmony.

The petitioner, in the circumstances, may surrender before the Court below within four weeks from today.

If the petitioner surrenders in the Court of Sub Divisional Judicial Magistrate, Gaya in connection with Complaint Case No 1355 of 2018, Trial No 3561 of 2018, he shall be allowed the benefit of provisional bail for a period of three months so that an amicable resolution of the dispute is



arrived at, where after the Court below may confirm the provisional bail.

In the event, issue is not resolved between the petitioner and complainant within three months' period, it is needless to say that the Court below would be at liberty to exercise its judicial discretion to pass orders in the matter, which include cancellation of bail.

With the above observations/directions, this application stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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