

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27400 of 2020

Arising Out of PS. Case No.-1007 Year-2017 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. BHOLA MAHTO S/o Late Nawal Mahto Resident of Village-Hirolwa, P.S.-Majorganj, District-Sitamarhi.
 2. Anita Devi W/o Bhola Mahto Resident of Village-Hirolwa, P.S.-Majorganj, District-Sitamarhi.

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. Krishna Devi W/o Bhola Mahto Resident of Village-Hirolwa, P.S.-Majorganj, District-Sitamarhi. At present, Village-Supaina Laxmipur, P.S.-Malangwa, District-Sarlahi (Nepal).

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-11-2020 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 petitioners and the learned Counsel for the State.

Petitioners seek anticipatory bail in Complaint Case No. C1 – 1007 of 2017 registered under Sections 498(A)/ 34 of the IPC.

Even as per case of the complainant on solemn affirmation it is submitted by petitioners' counsel that the allegation is that the second marriage was solemnised by petitioner No. 1 with petitioner No. 2 twenty years prior to lodging of the complaint.



Learned Counsel for the petitioners submits that the second marriage was solemnised with consent of the complainant and in the complaint petition also it is stated by the complainant that there are children from the second wife also. The petitioner No. 1 is more than willing to continue his matrimonial relationship with the complainant and the allegations have been levelled against the petitioners over a minor dispute between the complainant and the second wife.

Learned Counsel for the petitioners submits that he is willing to reconcile the issue with his wife. Counsel for the petitioners submits that the petitioner No. 1 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 informant.

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 petitioners surrender in the court below, I.e. the Court of SDJM Sadar Sitamarhi within a period of four weeks from today, in connection with Complaint Case No. C1 – 1007 of 2017, and submit an undertaking to this effect at the time of his surrender, the court below, after issuing notice to Opposite party No. 2 (wife) will grant provisional bail to the petitioners. The parties would make attempt to work out an amiable 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.

(Madhuresh Prasad, J)

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