

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23790 of 2020

Arising Out of PS. Case No.-913 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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RAVI SHANKAR UPADHYAY Son of Bhanu Shankar Upadhyay Resident
of Village C.K.31/13/CK 24/10A, Nepali Khapara Chauk Varanasi Near
Gyanwapi P.O. Nichi bagh, P.S. Chock Varanasi, Varanasi (U.P.)

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Priyanka Upadhyay wife of Ravi Shankar Upadhyay Resident of Mohalla
C.K.31/13/CK 24/10A, Nepali Khapara Chauk Varanasi Near Gyanwapi
P.O. Nichi bagh, P.S. Chock Varanasi, District Varanasi (U.P.) at present add
D/O Dhanesh Upadhyay, resident of Village Nibi Khurd, P.O. Ratwar, P.S.
Bhabua, District Kaimur at Bhabua.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-10-2020 . 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 petitioner and the learned
Counsel for the State.

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

Petitioner seeks anticipatory bail in Complaint Case No.
913 of 2019 registered under Sections 498(A) of the IPC.

Learned Counsel for the petitioner submits that he is
willing to reconcile the issue with his wife. Counsel for the petitioner



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 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 petitioner surrenders in the court below, I.e. the Court of ACJM Vth Bhabua, Kaimur within a period of four weeks from today, in connection with Complaint Case No. 913 of 2019, 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) will grant provisional bail to the petitioner. 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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