

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23803 of 2020

Arising Out of PS. Case No.-1384 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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AMIT KUMAR TIWARI @ BANTI Son of Om Hari Tiwari @ Omkar Nath
Tiwari Resident of Village- Chainpur, P.S.- Chainpur, District- Kaimur at
Bhabua.

... .. Petitioner

Versus

1. The State of Bihar
2. Arti Devi Wife of Amit Kumar Tiwari @ Banti At present Address D/o
Jitendra Dubey, resident of Village- Ujari Sikathi, 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 : Mr.Anil Prasad Singh, 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.
1384 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 Smt. Amrita Singh, Judicial Magistrate, 1st Class, Bhabua, Kaimur within a period of four weeks from today, in connection with Complaint Case No. 1384 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 a 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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