

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60031 of 2019

Arising Out of PS. Case No.-1430 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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RAJESH KUMAR Son of Yogendra Rai Resident of Village- Harnichak
Mahuli Tola Anisabad, P.S.- Fulwarisharif, Distt- Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR Bihar
2. Bebi Devi @ Babi Kumari W/o Rajesh Kumar Resident of village-
Harnichak Mahuli Tola, Anishabad, P.S.- Fulwarisharif, District- Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Chhote Lal Mishra, Advocate
For the Opposite Party/s	:	Mr.Gauri Shankar Gupta, APP
For the Complainant	:	Mrs. Sudha Ambastha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 02-09-2020

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 as also the learned Counsel for the complainant.

Petitioner seeks anticipatory bail in Complaint Case No. 1430(C) of 2018 registered under Sections 323, 341, 498(A), 406 of the IPC and Sections 3 & 4 of the Dowry Prohibition Act.

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 complainant.

Learned Counsel for the State as well as learned Counsel



for the complainant 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 SDJM Danapur within a period of four weeks from today, in connection with Complaint Case No. 1430(C) 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) will grant provisional bail to the petitioner. The parties would make attempt to work out for 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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