

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67597 of 2019**

Arising Out of PS. Case No.-874 Year-2012 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Barun Kumar Bachhan @ Barun Kumar Kushwaha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha
For the Opposite Party/s : Mr.Mohammed Arif

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

5 15-09-2020 Heard learned counsel appearing for the petitioner as well as learned counsel appearing for opposite party no.2 and also heard learned Additional Public Prosecutor.

Petitioner happens to be the husband of opposite party no.2 and apprehends his arrest in connection Complaint Case No. 874C of 2012 registered under Section 323, 498A, of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act has been found against the petitioner.

According to the complaint case, the marriage of the petitioner was solemnized with O.P.No. 2 on 07.09.2006 and, thereafter, illegal demand was made and when illegal demand was not fulfilled, the O.P. No. 2 was subjected to cruelty and, subsequently, she was driven out from her matrimonial home.



Learned counsel appearing for petitioner submits that petitioner is still ready to keep the opposite party no.2 with full honour and dignity but it is opposite party no.2, who does not want to lead her conjugal life with the petitioner and, moreover, the petitioner is ready to settle the dispute with complainant (O.P. No. 2) even by way of one time settlement.

On the other hand, learned counsel appearing for O.P. No. 2 refuted the above stated submissions pointing out that prior to filing of the present complaint case, the O.P. No. 2 had filed Matrimonial Suit No. 198 of 2011 for restitution of conjugal right and in the said case, petitioner and complainant entered into compromise but, subsequently, the petitioner refused to live with her and, thereafter, O.P. No. 2 filed the present complaint case. He, further, submits that O.P. No. 2 still wants to live with petitioner.

In view of the aforesaid submissions and in the facts and circumstances of the case this anticipatory bail petition stands disposed of with a direction to petitioner to surrender before the court below within four weeks from the date of receipt/ production of copy of this order and if petitioner does so the learned court below / concerned court shall extend the privilege of provisional bail to petitioner for period of four



months from the date of his surrender on execution of bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of concerned court.

Furthermore, the court below /concerned court shall explore the possibilities of settlement of dispute of the parties within the above stated period of four months and for that the concerned court shall procure the attendance of petitioner as well as O.P. No. 2.

However, if the dispute of the parties could not resolved due to non-cooperative approach of the opposite party no.2, the provisional bail granted to petitioner shall be confirmed by the learned court below if but the dispute could not be resolved due to non-cooperative and rigid approach of the petitioner, the provisional bail granted to petitioner shall not be confirmed by the learned court and in that event, the petitioner shall be taken into custody and if, any prayer for regular bail is made on behalf of the petitioner, the learned court below shall consider regular bail application of the petitioner on its own merit without being prejudiced by this order and shall pass appropriate order on the regular bail of the petitioner on the same day.

It is needless to say that if reconciliation process



succeeds, the provisional bail granted to petitioner shall be confirmed by the learned court below. It is also made clear that the process of reconciliation shall be completed within the above stated period of four months.

N.K/- **(Hemant Kumar Srivastava, J)**

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