

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69902 of 2019**

Arising Out of PS. Case No.-1483 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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ADITYA NATH BAJPEY @ MUKESH BAJPEY @ MUKESH @ MUKESH KUMAR BAJPEY Son of Nawal Kishore Bajpey Resident of Mohalla-Kotwali Chowk (Near panchmukhi Mandir), P.O. and P.S.- Betiya, Ward No. 26, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhilasha Devi @ Abhilasha Bajpey Wife of Aditya Nath Bajpay @ Mukesh Bajpey @ Mukesh, Daughter of Anand Gopal- Agnihotri Resident of Village- Saguni, P.S.- Barahat, Ishipur, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

ORAL ORDER

- 3 01-07-2020 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.1483/2017 in which cognizance for the offence punishable under Section 323, 341, 498A, 34 of the IPC and Section 3/4 of Dowry Prohibition Act has been taken.

The opposite party no.2 makes allegation against the petitioner in her complaint petition that petitioner and his other



family members used to torture her due to non-fulfillment of illegal demand. However, the petitioner has filed Matrimonial Case No.244 of 2017 under Section 9 of Hindu Marriage Act for restitution of his conjugal rights. It is admitted position that a son was born out of the wedlock of petitioner and opposite party no.2.

The record goes to show that the dispute of the parties was sent to Mediation Centre, Patna High Court, Patna but the dispute of the parties could not be resolved.

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. He further submits that before learned mediator, the opposite party no.2 made abnormal demand of rupees twenty one lac from the informant and that was the reason the dispute of the parties could not be resolved.

On the other hand learned counsel appearing for opposite party no.2 submits that after solemnization of marriage with opposite party no.2, when opposite party no.2 went her matrimonial home, she was badly treated and tortured by petitioner and his other family members on account of non-



fulfillment of illegal demand. However, in the meantime the opposite party no.2 gave birth to a child. He further submits that the opposite party no.2 does not want to go to her matrimonial home.

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 of learned SDJM, Bhagalpur in connection with Complaint Case No.1483/2017 within six weeks from the date of receipt/production of a copy of this order and if the petitioner does so, the learned SDJM, Bhagalpur shall release him on provisional bail for three months on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to his satisfaction and, furthermore, the learned SDJM, Bhagalpur shall issue notice to opposite party no.2 fixing a date for exploring the possibilities of settlement of the dispute of the parties and shall take all efforts to settle the dispute between the parties. However, if the reconciliation process fails 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 and if the conciliation process fails 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 conciliation 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 three months.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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