

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80567 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- ISUAPUR District- Saran

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Shailendra Mahto Son of Shrinath Mahto Resident of Village - Doila, P.S.-
Isuapur, Distt - Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambha Devi, W/O Shailendra Mahto, R/V – Docla, P.S. - Isuapur, Distt - Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 05-06-2020 Heard Mr. Mukesh Kumar Singh, learned
counsel for the petitioner and Mr. Ashok Kumar Singh,
learned APP for the State.

It appears from the records that notice was issued to the wife of the petitioner after permitting her to be impleaded as a party-respondent in the present petition. The wife of the petitioner has appeared through two lawyers who have filed their *Vakalatnama*. However, yesterday when the matter was called out, the counsel for the petitioner and the State were present but the counsel who has filed *Vakalatnama* on behalf of opposite party no. 2 did not show up.

The petitioner, who is the husband of Opposite Party No. 2, seeks bail in connection with Isuapur P.S.



Case No. 174 of 2019 dated 26.08.2019 instituted for the offences under Sections 341, 323 and 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.

The petitioner denies each and every allegation levelled in the FIR. It has also been submitted on his behalf that the accusations are absolutely general and omnibus and only because the opposite party no. 2 is not willing to stay as wife in the household of the petitioner, this case has been lodged.

The petitioner is stated to be in custody since 02.09.2019.

It has also been urged on behalf of the petitioner that he is ready for negotiations towards settlement of the matrimonial dispute with his wife, if she is agreeable.

However, no such direction can be given in the absence of the counsel who has filed *Vakalatnama* on behalf of opposite party no. 2.

Taking into account the fact that the petitioner is in custody since 02.09.2019, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saran, Chapra in



connection with Isuapur P.S. Case No. 174 of 2019.

However the petitioner shall, after his release from jail, contact the informant/opposite party no. 2 and make his intentions known to her that he is ready for a settlement of matrimonial dispute. In case the opposite party no. 2 agrees to sit across the table and iron out the differences, the petitioner shall abide by the same. In case the petitioner shows any reluctance in settling the dispute, it would be open for the opposite party no. 2 to file necessary application for getting this case revived so that the matter could be decided in Court.

With the aforesaid direction/observation, the petition stands disposed of.

(Ashutosh Kumar, J)

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