

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85828 of 2019

Arising Out of PS. Case No.-16 Year-2015 Thana- MAHILA P.S. District- Lakhisarai

MINESH CHOUDHARY Son of Janardhan Choudhary Resident of Village - Gurukul Science Coaching, Veer Kuawar Singh Colony, Kashipur, P.S.- Samastipur, Distt - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Sweta Kumari Wife of Minesh Choudhary, D/o Surendra Prasad Resident of Village - Sahajanand Sarswati Nagar, P.S.- Kaibaya, Distt - Lakhisarai.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh
	:	Mr.Suresh Singh
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-06-2020 Heard Mr. Arvind Prasad Singh, learned
counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mahila Lakhisarai P.S. Case No. 16/2015 dated 26.05.2015⁹ instituted for the offences under Sections 498(A) and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It appears that the prayer of the petitioner for



grant of anticipatory bail was earlier rejected vide order dated 14.12.2015 passed in Criminal Miscellaneous No. 32700 of 2015.

As such, the present petition is not maintainable.

The reason for filing the present petition is that now the petitioner wishes to settle the matrimonial dispute with his wife / opposite party no. 2. This settlement can be even without restitution of conjugal rights but by way of one time settlement.

This cannot be a ground for re-agitating for anticipatory bail when such prayer has once been rejected in the past.

The prayer for grant of anticipatory bail is thus rejected.

However, if the petitioner surrenders before the Court below and makes it known that he is willing to settle the dispute with his wife, the Court below shall call upon the wife/informant and shall explore the



possibilities of settlement of matrimonial dispute. If the intention of the petitioner appears to be genuine, the Court below shall take that into account while passing any order on such petition.

This petition stand disposed of with aforesaid observation.

(Ashutosh Kumar, J)

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