

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86987 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Rohtas

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SHAMBHU KUMAR S/o Sarwjeet Sah @ Jitan Resident of Village-
Vivekanand Nagar, Block Road, Ratu, P.S.- Ratu, Dist- Ranchi
(Jharkhand)

... .. Petitioner

Versus

1. The State of Bihar
2. Vijaya Bharti Gupta @ Gudia W/o- Shambhu Kumar, D/o Vinod Prasad
Gupta Resident of Village- Baraon, P.S.- Nokha, Dist- Rohtas.

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Biswajeet Kumar Mishra
	:	Mr.Sanjay Kumar Pandey
For the Opposite Party/s	:	Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-06-2020 Heard Mr. Biswajeet Kumar Mishra, learned

counsel for the petitioner, Mr. Raghunandan Kumar Singh,

learned counsel for informant / opposite party no. 2.

Learned counsel for the State is also present.

The petitioner seeks bail in anticipation of his

arrest in connection with Mahila P.S. Case No. 46 of 2019

dated 08.07.2019 instituted for the offences under Sections

498A, 315/34 of the Indian Penal Code and Section 3/4 of

the Dowry Prohibition Act.

It has been urged on behalf of the petitioner at the



outset that he is ready and willing to reside with his wife / opposite party no. 2, provided, she agrees to do so and maintains good behaviour as wife.

Similar view has been expressed on behalf of opposite party no. 2, who also is reported to be willing and ready to join the matrimonial fold.

There does not appear to be any difficulty in that event.

Taking into account the aforesaid facts, this Court directs that in the event of petitioner approaching the Court below and filing an affidavit that he is willing and ready to bring back his wife / opposite party no. 2 to her matrimonial home, the Court below shall release the petitioner on provisional bail.

The opposite party no. 2 shall be noticed and the Court below shall facilitate the opposite party no. 2 to go to the house of petitioner.

In case it is found that the spouses have resolved their dispute and are living under the same roof, the provisional bail of the petitioner shall be confirmed.



If at all there is any impediment in the resolution of matrimonial dispute, the Court below shall explore the possibilities of mediation.

Only when it is found that the petitioner for no apparent/good reasons is refusing to maintain good relations with his wife, any adverse order shall be passed.

The bail petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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