

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.727 of 2020

Arising Out of PS. Case No.-1596 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. TEJ NARAYAN SAHANI. Son of Late Kamal Sahani Resident of Village - Bahurari, P.S. - Lakhaura, District - East Champaran.
 2. Chameli Devi. Wife of Tej Narayan Sahani Resident of Village - Bahurari, P.S. - Lakhaura, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rupiya Devi, Wife of Tej Narayan Sahani Resident of Village - Bahurari, P.S. - Lakhaura, District - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-10-2021 Heard Mr. Umesh Chandra Verma, learned advocate for the petitioners and Mr. Dhananjay Kumar No. - 2, learned counsel for the Opposite Party No. 2. The State is represented by Mr. Mukesh Kumar Singh, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Trial No. 2585 of 2019, arising out of Complaint Case No. C-1596 of 2017, in which cognizance has been taken under Sections 498A, 494



and 323 of the Indian Penal Code.

Mr. Dhananjay Kumar No. - 2, learned advocate for the Opposite Party No. 2 has submitted that resumption of matrimonial life may not be possible as according to her information, petitioner no. 1 has remarried somebody during the subsistence of marriage with her. However, she is not averse to the idea of alternative settlement which could be for one time settlement for all matrimonial dues of Opposite Party No. 2.

Considering the aforesaid stand of Opposite Party No. 2 and the petitioners also not being averse to the idea of settlement of matrimonial dispute, this application is disposed off with a direction that if the petitioners surrender before the court below within a period of eight weeks from today, they shall be released on provisional bail. While granting provisional bail to the petitioners, his wife / Opposite Party No. 2, viz., Rupiya Devi shall be noticed and on her appearance, the court



below shall explore the possibilities of settlement between the spouses by facilitating bilateral negotiations. The Court would be expected to act as a mediator and in case it is found that there is every likelihood of the dispute being settled or in the event of the dispute being settled, the provisional anticipatory bail of the petitioners shall be confirmed.

If for some reason, which would not be attributable to the stand of the petitioners, the talks of settlement fails and it is found that it is because of the intransigence of Opposite Party No. 2, that fact also shall be taken into account while passing an order confirming the provisional anticipatory bail of the petitioners.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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