

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11809 of 2019**

Arising Out of PS. Case No.-471 Year-2016 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Randhir Mahto @ Randhir Kumar Mahto, Son Of Ram Awtar Mahto Resident
Of Village - Arer (Barhai Tola), P.S. Arer District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Mamta Devi, Wife of Randhir Mahto @ Randhir Kumar Mahto
Resident of Village - Arer (Barhai Tola), P.S. Arer District - Madhubani at
present Daughter of Shyam Sundar Mahto, Resident of Village - Satdhara,
P.S.- Rahika, District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan- Advocate
For the O.P. No.2	:	Mr. Ratanakar Jha- Advocate
For the State	:	Mr. Yogendra Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

12 27-09-2021 Heard Mr. Rajesh Ranjan, the learned Advocate

for the petitioner, Mr. Ratanakar Jha, the learned Advocate

for the opposite party no.2 and Mr. Yogendra Kumar, the

learned APP for the State.

The petitioner, who is the husband of opposite
party no.2, seeks bail in anticipation of his arrest in
connection with Trial No.2381 of 2017 arising out of
Complaint Case/ C.R. No.471 of 2016, instituted for the
offences under Section 498(A)/ 34 of the Indian Penal
Code.



The parties have different story to narrate about the differences between them. The petitioner claims that in happier times, a land was purchased in the name of his wife which the wife wanted to sell. This is not acceptable to the petitioner and therefore the wife has chosen to file this case against him and others.

An absolutely different ground has been stated by the wife who has complained against the petitioner for having married another lady who is staying in Nepal.

The petitioner denies the aforesaid allegations and submits that this accusation has been conjured up for the purposes of defeating the attempt to the petitioner for grant of anticipatory bail to him.

Considering the dispute between the parties, the matter was referred to the Mediation Centre, Patna High Court but as ill-luck would have it, because of the closure due to Pandemic, the proceedings could not be conducted.

The counsel for the petitioner submits that notwithstanding the aforesaid accusation by his wife, the petitioner is still ready to resume the matrimonial life or/ and if that is not acceptable to the wife, even for a



negotiation for an amicable settlement of dispute. The aforesaid proposal is not unreasonable. The same has been accepted by the learned counsel for the opposite party no.2 in principle, though he reiterates that the wife is now not willing to join the petitioner as her husband for the reason of his second marriage.

Be that as it may, considering the aforesaid circumstances, this court deems it appropriate and therefore directs the Court below that in the event of the petitioner surrendering within a period of eight weeks from today, he shall be released on provisional bail. Simultaneously, the Court shall issue notice to opposite party no.2 and on her appearance, an opportunity shall be provided to the spouses to enter into negotiations for exploring an amicable settlement either by way of resumption of family life or for a one time settlement or any another modality over which both the spouses are agreeable. If the dispute between the spouses is settled, the provisional bail shall be confirmed.

If at all the Court finds that an approach of either of the parties is obstructive and unreasonable, that also shall be taken into account before passing an order confirming



the provisional bail.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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