

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12233 of 2020

Arising Out of PS. Case No.-771 Year-2017 Thana- BUXAR COMPLAINT CASE District-
Buxar

=====

DEVENDRA KUMAR SINGH, S/o Late Chandra Dev Singh R/o Village-
Gang Bhadsara, P.S.-Dinara, District-Rohtas and at present R/o Muhalla-
Veer Kunwar Singh Colony, P.S.-Buxar, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi, W/o Devendra Kumar Singh, D/o Bharat Singh R/o Village-
Mohrihan, P.S.-Dhansoin, District-Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr. Asha Devi

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 25-10-2021 Heard Dr. Kamal Deo Sharma, learned

advocate for the petitioner and Mr. Dharendra Choubey,

learned counsel for Opposite Party No. 2. The State is

represented by Ms. Asha Devi, learned APP.

The petitioner, who is the husband of Opposite

Party No. 2, seeks bail in anticipation of his arrest in

connection with Complaint Case No. 771(c) of 2017, in

which cognizance has been taken under Section 498(A)

of the Indian Penal Code and Sections 3 and 4 of the

Dowry Prohibition Act, 1961.



Though the petitioner even today is ready for settlement of matrimonial dispute with his wife but the impugned order reflects that the petitioner has not kept up his promise of treating his wife / Opposite Party No. 2 in proper manner. On one occasion when the Opposite Party No. 2 had visited the house of the petitioner under the orders of the Court after reconciliation, she was assaulted and was thrown out from her matrimonial home.

The learned counsel for the Opposite Party No. 2 has also alleged that the petitioner is having illicit relationship with one of his close relatives.

The aforesaid contention has been seriously rebutted by the learned advocate for the petitioner.

Notwithstanding the aforesaid issues between the spouses, the petitioner is ready to enter into fresh round of negotiations and resumption of matrimonial life.

The learned counsel for the Opposite Party No. 2 has also expressed her opinion that she is ever willing



to resume her matrimonial life with the petitioner.

Regard being had to the afore-stated stand of the parties, this Court deems it appropriate to direct that in the event of the petitioner surrendering before the court below within a period of eight weeks, he shall be released on provisional 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 Chief Judicial Magistrate, Buxar, in connection with Complaint Case No. 771(c) of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

While granting provisional bail to the petitioner, his wife / Opposite Party No. 2, viz., Anita Kumari 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 petitioner shall be confirmed.

If for some reason, which would not be attributable to the stand of the petitioner, 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 petitioner.

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

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

