

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13235 of 2020

Arising Out of PS. Case No.-197 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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Ajay Kumar Sah, aged about 27 years, male, Son of Sakaldev Sah, Resident of Village / Muhalla - Ram Chandrapur Patralaya Jamalpur, P.S. - Jamalpur, Distt. - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari, aged about 20 years, female, Wife of Ajay Kumar Sah, D/o Ram Gulam Sah, Resident of Village / Muhalla - Ram Chandrapur Patralaya, P.S. - Jamalpur, Distt. - Munger. At present Village/Muhalla - Parham, P.S. - Naya Ram Nagar, Distt. - Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar Singh, Adv.
For the O.P. No.	:	Mr. Uttam Kumar Mishra, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 28-09-2021 Heard Mr. Sanjiv Kumar Singh, the learned counsel for the petitioner and Mr. Uttam Kumar Mishra, the learned counsel for the complainant/opposite party No. 2. The State is represented by Mr. Ram Priya Sharan Singh, the learned APP.



The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 197C of 2018 in which cognizance has been taken against him under Sections 323, 498(A) and 504 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The petitioner is the husband of the complainant/opposite party No. 2.

At the outset, the learned counsel for the petitioner has submitted that he is not averse to the talks of settlement with his wife/complainant/opposite party No. 2, provided she is agreeable for the same. He also wants a rapprochement and perhaps restitution of conjugal rights.

The learned counsel for the complainant/opposite party No. 2 however has submitted that despite the petitioner ill-treating her, she is also ready to stay with him as his legally wedded wife. Notwithstanding all such disputes, today, the complainant/opposite party No. 2 is ready to get back to the matrimonial fold.

The learned counsel for the petitioner is also not averse to the idea of settlement of matrimonial discord and



bringing back the complainant/opposite party No. 2 to her matrimonial home.

Considering the aforesaid stand of the parties, this Court directs that if the petitioner surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. Simultaneously, his wife/complainant/opposite party No. 2 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. However, in case the stand taken by the petitioner before the Court below does not appear to be reasonable, the provisional bail of the petitioner shall not be confirmed. In case, the parties/spouses are agreeable for one time settlement, that possibility also shall be explored by the Court below and an order shall be passed.



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 the complainant/opposite party No. 2, that fact also shall be taken into account while passing an order confirming the provisional bail of the petitioner.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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