

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20482 of 2020**

Arising Out of PS. Case No.-1290 Year-2016 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Mithlesh Singh @ Mithlesh Kumar Singh, Son of Chandeshwar Singh R/o
Village-Siwara, P.S.-Patori, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Devi, W/o Mithlesh Singh @ Mithlesh Kumar Singh D/o
Rambahadur Singh At present R/o Village-Arania, P.S.-Jandaha, District-
Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Soni- Advocate
For the State	:	Mr. Nand Kishore Prasad- A.P.P.
For the O.P. No.2	:	Mr. Ravish Mishra- Advocate
		Ms. Keertika Sakshi- Advocate

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

- 3 15-01-2021 Heard learned counsel appearing for the petitioner,

learned counsel appearing for the opposite party no.2 as well as

learned Additional Public Prosecutor appearing for the State.

Petitioner is husband of opposite party no.2 and
apprehends his arrest in connection with Complaint Case No.C1
1290 of 2016 in which cognizance has been taken for the
offence punishable under Section 498(A) of the I.P.C. and
Section 4 of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that
petitioner is ready to keep the opposite party no.2 with full



honour and dignity, but it is opposite party no.2, who does not want to lead her married life with petitioner.

On the other hand, learned counsel appearing for the opposite party no.2 submits that two to three years prior to filing of Complaint Case No.C1-1290 of 2016, the opposite party no.2 had filed Complaint Case against the petitioner for the offence punishable under Section 498(A) of the I.P.C. and she had also filed a Maintenance Case against the petitioner, but during pendency of both the above stated cases, petitioner agreed to keep the opposite party no.2 with full honour and dignity and, thereafter, opposite party no.2 entered into the compromise with petitioner in both the above stated cases and, subsequently, both the above stated cases stood disposed of on the ground of compromise. Learned counsel for the opposite party no.2 further submits that after disposal of both the above stated cases, petitioner again started torturing the opposite party no.2 and, thereafter, being compelled with the behaviour of petitioner, opposite party no.2 filed the present case.

In view of the aforesaid submissions as well as facts and circumstances of the case, this anticipatory bail petition stands disposed of with direction to petitioner to surrender before the Court below within six weeks from today and if,



petitioner does so, the learned Court below shall release the petitioner on provisional bail fixing the amount of bail bonds on its own level and, furthermore, on the day of releasing the petitioner on provisional bail, the learned Court below shall issue notice to opposite party no.2 fixing a date for reconciliation and shall also direct the petitioner to appear in person on the above stated day. Furthermore, the learned Court below after appearance of petitioner and opposite party no.2 shall explore the possibilities of settlement of the dispute of the parties, even by way of one time settlement.

It is made clear that if, the learned Court below finds that the dispute of the parties could not be resolved due to rigid approach of the petitioner, the learned Court below shall take the petitioner in custody and if any prayer for bail is made on behalf of the petitioner, the said prayer shall be considered by the learned Court below on its own merit. However, if the dispute of the parties could not be resolved due to rigid approach of opposite party, the provisional bail granted by the Court below to petitioner shall be confirmed by the Court below itself. It goes without saying that if learned Court below succeeds in getting the dispute of the parties resolved, then in that circumstance, the provisional bail of the petitioner shall be



confirmed by the Court below and the learned Court below shall take all efforts to dispose of the case after adopting legal procedure as early as possible.

It is made clear that all the above stated efforts must be completed within six months from the date of surrender of the petitioner.

(Hemant Kumar Srivastava, J)

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