

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22796 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- RUPASPUR District- Patna

NIRAJ KUMAR SINGH @NIRAJ SINGH @BHIM SINGH Son of Late
Mukhram Singh Resident of Village - Tetariya, P.S.- Muffasil, Distt - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sudha Singh Wife of Niraj Kumar Singh @ Niraj Singh @ Bhim Singh, D/o Late Ram Chandra Singh Resident of Flat No. 103, Subh Shristi, Village - Abhimanyu Nagar, Bank Colony, Kothama Road, P.S.- Rupaspur, Distt - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate Mr. Rahul Nath, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Vinay Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 01-11-2021 Heard Mr. Sanjay Kumar, learned Advocate for the petitioner and Mr. Vinay Ranjan for the opposite party no. 2/informant. The State is represented by Mr. Shailendra Kumar, learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Rupaspur P.S. Case No. 217 of 2018 dated 02.06.2018 instituted for the offences under Sections 498(A), 341, 323, 379, 504, 506, 509/34 of the Indian Penal Code.

The petitioner was granted interim protection after noticing the opposite party no. 2. After the appearance of opposite party no. 2, a Bench of this



Court referred the matter in the mediation centre of Patna High Court. However, the mediation proceeding could not commence because of the pandemic closure.

Today, the petitioner has two options; either to await the report of the mediation or to go before the court below. Though there is accusation in the FIR of the petitioner harassing and torturing opposite party no. 2 but the petitioner is ready, even today, to hold negotiations for an amicable settlement of disputes.

The learned counsel for the petitioner submits that if the opposite party no. 2 is not ready for resumption of matrimonial life, then he is also agreeable to negotiate for a one time settlement, covering all matrimonial dues of opposite party no. 2.

The learned counsel for opposite party no. 2, however, has informed this Court that according to his instructions, the petitioner has married again during the subsistence of his marriage with opposite party no. 2, but notwithstanding this fact, in order to make her two ends meet and maintain the child born out of the wedlock, she is still ready to sit across the table and negotiate for a one time settlement covering her matrimonial dues and securing her other rights.

Thus, the counsel for the parties are agreeable that instead of awaiting the report of the mediation, the



matter be sent to the court below for effective consideration.

Considering the aforesaid stand of the parties, it is directed that in the event of the petitioner surrendering before the court below within a period of eight weeks, he shall be granted provisional bail and simultaneously notice shall be issued to opposite party no. 2. On appearance of opposite party no. 2, the court will explore the possibilities of a one-time settlement between the spouses and ending of all matrimonial disputes thereafter. If the dispute is amicably settled, the provisional bail granted to the petitioner shall be confirmed. However, if the court finds that the stand of either of the parties is unreasonable, such fact shall be taken into account before taking a decision regarding confirmation of the provisional bail of the petitioner.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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