

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23678 of 2019

Arising Out of PS. Case No.-748 Year-2018 Thana- JAHANABAD District- Jehanabad

SHIVAKANT DUBEY, Son of Sri Mithilesh Dubey Resident of Village - Vishambharpur, P.S.- Bikram, Distt - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Utkarshi Kumari @ Juhi Kumari, Wife of Sri Shivkant Dubey, D/o Sri Onkarnth Pandey Resident of Village - Pataria, P.S.- Karauna O.P.- Distt - Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Sinha
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad
		Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

11 27-09-2021 Heard the learned counsel for the parties.

The petitioner, who is the husband of Opposite Party No. 2, seeks bail in anticipation of his arrest in connection with Jehanabad (Karauna O.P.), P. S. Case No. 748 of 2018, dated 23.09.2018, instituted for the offences under Sections 341, 323, 504, 498(A) and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961.

This case was heard by a Bench of this Court on several occasions and an attempt was made for



amicable settlement between the spouses. However, because of the intervention of the Corona pandemic, the effort could not be taken to its logical conclusion.

The learned advocate for the petitioner submits today that he is ready to resume the matrimonial life with Opposite Party No. 2 or if that is not agreeable to her, for any other settlement which would be an amicable resolution to all such disputes.

The learned counsel for the Opposite Party No. 2, however, has submitted that there is no objection of Opposite Party No. 2 in joining the petitioner as her husband but in the past, her experience has been otherwise. She was taken to her matrimonial home but was not treated properly.

The learned counsel for the petitioner submits that that is not the ground why this case has been filed. The wife wants the petitioner to come to her house and settle there. This *inter se* dispute cannot be resolved by this Court.



However, taking into account the stand of the parties that they are ready to make an effort towards reconciliation of the dispute, this Court deems it appropriate to direct that in case the petitioner surrenders before the court below and seeks bail on such ground, he shall be released on provision 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, Jehanabad, in connection with Jehanabad (Karauna O.P.), P. S. Case No. 748 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

Simultaneously, notice shall be issued to Opposite Party No. 2 and on her appearance, opportunity shall be provided to the spouses for an amicable settlement of dispute. If the dispute is settled, there would be no difficulty for the court below in confirming the provisional bail.

Should the Court find that the stand of either of



the parties is unreasonable, that shall also be taken into account in passing a final order of confirmation of the provisional bail.

In case the Opposite Party No. 2 agrees for joining the petitioner as his wife, she would be given the liberty that in case she is tortured, it would be open for her to approach the court below and in that event the bail granted to the petitioner would be rendered liable to be cancelled.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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