

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30917 of 2020

Arising Out of PS. Case No.-1053 Year-2018 Thana- BIHTA District- Patna

JITENDRA KUMAR Son of Ram Chandra Yadav Resident of Village-
Kanchanpur, Police Station- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Dolly Kumari D/o Birendra Kumar, W/o Jitendra Kumar Resident of
Village- Simari, P.S.- Bihta, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the O.P. No. 2	:	Mr. Brisketu Sharan Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-03-2021 Heard Mr. Ashok Kumar Singh, learned Advocate for the petitioner and Mr. Brisketu Sharan Pandey for the opposite party no. 2. The State is represented by Mr. Md. Aslam Ansari, learned APP for the State.

The petitioner, who is the husband of opposite party no. 2, seeks bail in anticipation of his arrest in connection with Bihta P.S. Case No. 1053 of 2018 dated 20.09.2018 instituted for the offences under Sections 498(A), 341, 323, 379 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

On the submission made on behalf of the petitioner that he is ready and willing to restore the



matrimonial life with opposite party no. 2, a notice was issued to O.P. No. 2 and provisional bail was granted to him by order dated 23.12.2020.

Pursuant to the notice, O.P. No. 2 has appeared through Mr. Brisketu Sharan Pandey, learned Advocate. He has informed this Court that on an earlier occasion, on similar assurance by the petitioner, he was granted bail by the court below but, when O.P. No. 2 visited her matrimonial home, she was treated with cruelty. He has further informed this Court that O.P. No. 2 is differently abled and has a child also.

Under the aforesaid circumstances, the stand of O.P. No. 2 that she may not be insisted upon for joining the petitioner as his wife as she has lost confidence on the petitioner that he shall treat her well, is justified. However, the O.P. No. 2 is not at all averse to the idea of an amicable settlement which need not necessarily be the restoration of matrimonial life but one time settlement for parting ways amicably.

Considering the aforesaid submission on behalf of opposite party no. 2, this Court considers it expedient 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 afresh and notice shall simultaneously be issued to O.P. No. 2. On the



appearance of the petitioner as well as the O.P. No. 2, the court below shall endeavour to have the dispute between the spouses settled amicably in which an alternative could be for one time settlement of all matrimonial dues. In the event of settlement to the liking of both the spouses, the provisional bail of the petitioner shall be confirmed. The entire exercise ought to be completed within a period of three months from the date of grant of provisional bail to the petitioner in the first instance.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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