

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25678 of 2020

Arising Out of PS. Case No.-1661 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

SHAILENDRA SAHANI, Son of Raghunath Sahani Resident of Village-
Mahamada, Police Station- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kiran Devi, W/o Shailendra Sahani, Daughter of Prahlad Sahani Resident of
Village- Bhopatpur, Police Station- Kotwa, District- East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 29-01-2021 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 Trial No. 2360 of 2020, arising out of
Complaint Case No. - C-1661 of 2019, instituted for the
offence under Section 498A of the Indian Penal Code.

At the outset, the learned counsel for the
petitioner has submitted that whatever be the differences
with his spouse, he is now willing and ready for bringing
back Opposite Party No. 2 to her matrimonial home and



accord her the privileges to which a legally wedded wife is entitled to.

The learned counsel for Opposite Party No. 2 however submits that she also is ready for rapprochement and restitution of conjugal right but she ought to be treated properly.

A grievance has been raised on behalf of Opposite Party No. 2 that she was assaulted while she was in pregnancy and therefore she could not bear the child.

However, considering the stand of the parties for settlement of dispute and resumption of matrimonial relationship, this Court directs that if the petitioner surrenders before the court below within a period of four weeks, within an undertaking that he is ready for resumption of matrimonial life with Opposite Party No. 2, the petitioner would be released on provisional bail for two months.

At the time of granting provisional bail, notice



shall be issued to Opposite Party No. 2. On her appearance, the court below shall fix the modality of the return of Opposite Party No. 2 to her matrimonial home. The court below shall also specify the conditions which the petitioner would be required to adhere to.

After fixing the aforesaid details, the court below shall grant one month further time and would direct for appearance of the petitioner as well as Opposite Party No. 2 before the Court. In case there is no complaint from Opposite Party No. 2, the provisional bail of the petitioner shall be confirmed.

The petition stands disposed off with the aforesaid direction.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

