

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34729 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- BHANGWANPUR HAT District- Siwan

Pankaj Kumar, Son of Omnath Prasad, Resident of village- Dharmaraj, P.S.-
Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Neha Kumari, Wife of Pankaj Kumar, Daughter of Rameshwar Singh, At present village- Mahna, P.S.- Bhagwanpur Hat, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 28-10-2021 Heard learned counsel Shri Yashraj Bardhan,

 appearing on behalf of the petitioner, learned counsel Shri

 Dinesh Singh, appearing on behalf of the O.P. No.2 and learned

 APP appearing on behalf of the State.

The petitioner seeks anticipatory bail for the alleged offence under Sections 341, 323, 498A, 504, 506 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act arising out of Bhagwanpur Hat P.S. Case No. 21 of 2020 pending in the Court of learned S.D.J.M., Siwan

Briefly stated allegations made in the F.I.R are that the petitioner got married with the informant on 06.05.2018 in accordance with Hindu Rites and Customs and only after few



days of marriage, the petitioner demanded bullet motorcycle and two lacs rupees in cash and because of non fulfillment of the said demand she was tortured and abused.

It has been submitted by the learned counsel appearing on behalf of the petitioner that he is ready to keep his wife with full dignity and honor and undertakes that he will not inflict any physical assault or make any demand as alleged in the F.I.R.

Learned APP appearing on behalf of the State submits that even though O.P. No.2 is knowing that petitioner has approached this Court for grant of anticipatory bail she has not made her appearance in spite of the fact she has received notices and adjournments on several dates for her appearance.

Considering the facts and circumstances and the allegation made in the F.I.R, this case relates to matrimonial discord between husband and wife. In view of specific statement made in paragraph 9 of this petition that petitioner is ready and willing to save his matrimonial life and he is ready to forget the past, this Court directs that if the petitioner surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. The Court below shall notice the O.P. No. 2. On appearance of the O.P. No. 2, the Court below



shall explore the possibilities of settlement between the parties.
In Case, the settlement is arrived at, the Court below shall fix the condition so that the O.P. No. 2 may return to her matrimonial life with full dignity.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of informant/O.P. No.2 deliberately choose not to settle the dispute without any reason.

If the conduct of the petitioner is found to be genuine his provisional bail shall be confirmed by the Court below.

The petitioner shall appear before the learned Court below on 23.11.2021.

With the aforesaid observation/direction, the application stands disposed off.

(Purnendu Singh, J)

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