

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34583 of 2020

Arising Out of PS. Case No.-345 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

AMIT KUMAR SHARMA S/o Birendra Sharma R/o Village- Gheghtha, P.S.-
Chapra Mufassil, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. Seema Devi W/o Amit Kumar Sharma Currently residing at Ram Krishna Puri, Gudri Bazar, Chapra, P.S.- Bhagwan Bazar, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Singh, Advocate
For the Opposite Party/s	:	Mr. APP
For the O.P. No. 2	:	Mr. Devendra Narain Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 22-03-2021 Heard Mr. Harsh Singh, learned counsel for the petitioner and Mr. Devendra Narain Singh for the opposite party no. 2. The State is represented by the learned APP.

The petitioner seeks bail in connection with Chapra Mufassil P.S. Case No. 345 of 2020 dated 05.08.2020 instituted for the offences under Sections 341, 323, 307, 354, 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Noticing the fact that the petitioner was in custody since 07.08.2020, this Court vide order dated 22.12.2020 issued notice to the opposite party no. 2 and also directed for the release of the petitioner on



provisional bail.

Learned counsel for the petitioner has submitted that he is not averse to the idea of settlement with opposite party no. 2 even if it be for one time settlement towards all the matrimonial dues of opposite party no. 2 provided she is agreeable for the same.

He has further submitted that a divorce petition also has been filed by the petitioner against opposite party no. 2 after she refused to participate in the proceedings for restitution of conjugal rights. An amount of Rs. 5000/- is being paid to opposite party no. 2 towards her maintenance as directed by the family court.

Learned counsel appearing for opposite party no. 2 with some reluctance has agreed to the aforesaid proposal of the counsel for the petitioner that the petitioner would be more than willing to enter into negotiations with opposite party no. 2 before the family court for a final settlement/ one time settlement of all matrimonial dues of O.P. No. 2 or for restitution of conjugal life and for this the petitioner shall take proactive efforts.

Considering the aforesaid stand of the parties and the background facts, this Court confirms the provisional bail granted to the petitioner by order dated 22.12.2020.



The petitioner shall remain on the same bail bonds.

However, the petitioner shall be under an obligation to make an application before the family court where proceedings are pending and bring it to his notice that he is desirous of either one time settlement with opposite party no. 2 or restitution of matrimonial life, whichever is agreed upon by the parties. On such application being filed within a period of one month from today, the family court shall issue notice to opposite party no. 2 and explore the possibilities and modalities of the settlement.

With the aforesaid observation, the petition is disposed off.

(Ashutosh Kumar, J)

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