

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35395 of 2020

Arising Out of PS. Case No.-52 Year-2020 Thana- MAHILA P.S. District- Patna

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Kundan Raj, Son of Late Ashok Kumar Bhagwat Resident of Bhagwat Clini,
Dewan Mohalla, Hammam Lane, Khatri Path, P.S. Khajekalan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ms. Rajshri Bharti, Daughter of Vijay Kumar Singh Resident of Village-
Mohanpur, P.O. and P.S. Dharhara, District-Munger. At present resident of in
the house of Jitendra Kumar Son of Late Ayodhya Malakar, Bazar Samiti,
Raghopur Mali Tola, P.S.-Bihta, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shaishav Kumar
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-08-2021 Heard Mr. Shaishav Kumar, learned advocate

for the petitioner and Mr. Ratnakar Ambastha, learned

advocate for the informant / Opposite Party No. 2. The

State is represented by Mr. Mithlesh Kumar Khare,

learned APP.

The petitioner, who is the husband of Opposite

Party No. 2, seeks bail in anticipation of his arrest in

connection with Mahila P. S. Case No. 52 of 2020,

dated 03.06.2020, instituted for the offences under

Sections 498(A), 504, 506, 313 and 34 of the Indian



Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961.

The petitioner has denied the very factum of marriage with Opposite Party No. 2.

This Court had referred the matter to the Patna High Court Mediation and Conciliation Centre, but because of the closure of the Centre due to Covid-19 Pandemic, the mediation process could not commence.

The parties still hold their respective stand that they are not averse to negotiations between them.

Keeping this in mind, 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. While granting provisional bail to the petitioner, his wife / Opposite Party No. 2, viz., Rajshri Bharti shall be noticed and on her appearance, the court below shall explore the possibilities of settlement between the spouses by facilitating bilateral negotiations. The Court would be expected to act as a mediator and in



case it is found that there is every likelihood of the dispute being settled or in the event of the dispute being settled, the provisional anticipatory bail of the petitioner shall be confirmed.

If for some reason, which would not be attributable to the stand of the petitioner, the talks of settlement fails and it is found that it is because of the intransigence of Opposite Party No. 2, that fact also shall be taken into account while passing an order confirming the provisional anticipatory bail of the petitioner.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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