

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36933 of 2020

Arising Out of PS. Case No.-537 Year-2015 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Shashikant Pathak S/o Late Damodar Pathak R/o Village- Koni, P.O.-
Amauna, P.S.- Kachchhawan (Karakat), District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ASHA DEVI W/O SHASHIKANT PATHAK RESIDENT OF VILLAGE
KONI, PO AMAUNA ,PS KACHCHHAWAN KARAKAT, DISTRICT-
ROHTAS

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Ram Sewak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-06-2021 Heard Mr. Ashwani Kumar Tiwary, learned

counsel for the petitioner and Mr. Ram Sewak Choudhary,

learned APP for the State.

There is no appearance on behalf of opposite

party no. 2.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 537 of 2015 in

which cognizance has been taken under Section 498(A) of

the Indian Penal Code.

On the last occasion, notices were issued to

opposite party no. 2 and the petitioner was admitted to



provisional bail.

The petitioner is the husband of opposite party no. 2.

It has been submitted on behalf of the petitioner that he has wrongly been made accused in this case after 35 years of marriage with opposite party no. 2. Whatever has been complained against him is only with a purpose to wreak vengeance on the petitioner. The opposite party no. 2, according to the averments made in bail petition is still living in the house of the petitioner along with her son, namely, Niraj Kant Pathak who himself is a married person and has two sons. The petitioner has always expressed his desire to treat O.P. No. 2 as his legally wedded wife and is ready to accord to her all the privileges to which she is entitled as the wife.

Since there is no appearance on behalf of O.P. No. 2, this Court directs that in case the petitioner surrenders before the court below and seeks bail, he shall be released on provisional bail. While granting provisional bail to the petitioner, his wife (opposite party No. 2) shall be noticed



and on her appearance, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the modality of the return of opposite party No. 2 to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the opposite party No. 2 deliberately choosing not to settle the dispute without any appropriate cause.

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

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

(Ashutosh Kumar, J)

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