

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43592 of 2019

Arising Out of PS. Case No.-440 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

SHAIENDRA KUMAR @ SHAIENDRA YADAV, Son of Shri Kashi
Yadav Resident of Village - Mansha Chhapar, P.S.- Jataha Bazar, District-
Kushi Nagar (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhuri Yadav Wife of Shailendra Kumar @ Shailendra Yadav, D/O- Shri Mahabir Yadav Resident of Village - Mansha Chhapar, P.S.- Jataha Bazar, District- Kushi Nagar (U.P.), At present address- Resident of Village - Manjhariya, P.S.- Piparasi, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra- Advocate

For the Opposite Party/s : Mr. Rina Sinha- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 17-09-2021 Heard Mr. Prithvi Nath Mishra, the learned Advocate

for the petitioner and Ms. Rina Sinha, the learned APP for the

State.

The petitioner, who is the husband of opposite party
no.2, seeks bail in anticipation of his arrest in connection with
Trial No.3871 of 2018 arising out of Complaint Case No.440 of
2018, instituted for the offences under Sections 498A, 323, 504
of the Indian Penal Code.

A Bench of this Court had noticed the opposite party
no.2 and had granted interim protection to the petitioner. It
appears from the service report that the same has been received
by the father of the opposite party no.2.

However, there is no appearance of opposite party



no.2 today. This Court therefore deems it appropriate that the matter be referred to the Court below for passing an appropriate order after hearing the opposite party no.2 or her counsel.

Should the petitioner surrender before the Court below and seek bail on the plea that he is ready for negotiating with opposite party no.2 for settlement of matrimonial disputes, he shall be released on provisional bail and simultaneously, notice shall be issued to opposite party no.2. On her appearance, the Court below shall provide opportunity to the spouses to settle their differences. In case, the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. In case, the restitution of matrimonial life is not possible, the Court will explore the possibility of an alternative settlement provided both the parties are agreeable for the same. In case, the stand of either of the parties is not found to be reasonable, that shall also be taken into account while passing a final order with respect to confirmation of the provisional bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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