

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36930 of 2020

Arising Out of PS. Case No.-587 Year-2017 Thana- COMPLAINT CASE District- Jamui

RISHI KUMAR Son of Sri Kamal Kumar @ Kamal Kurmi Resident of Road
No.6, Quarter No.10/B, P.S.- Chitranjan, Distt- Burdwan (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari W/o Rishi Kumar, D/o Abhimanyu Ram Presently residing at
Village- Khaira, P.S.- Khaira, Distt- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar
For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 22-06-2021 Heard the learned counsel for the petitioner and

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 Complaint Case No. 587(C) of 2017 in
which cognizance has been taken under Section 498(A) of
the Indian Penal Code and Section 3 /4 of the Dowry
Prohibition Act.

On 08.04.2021, this Court had directed for
issuance of notice to opposite party no. 2 and had granted
provisional bail to the petitioner.



Mr. Parasar, learned counsel for the petitioner has fairly pointed out to this court today that he could not file the requisites of the notice because of the closure of Court office on account of the pandemic. However, he submits that the petitioner is agreeable for entering into negotiations with opposite party no. 2 for settling the difference with her provided she is agreeable for the same.

Taking into account the aforesaid stand of the petitioner, this Court directs that if he 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) shall be noticed and on her appearance, the Court below shall explore the possibilities of a 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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