

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41130 of 2020

Arising Out of PS. Case No.-1181 Year-2017 Thana- COMPLAINT CASE District- Banka

1. PREETAM YADAV @ PRITHIVI YADAV @ PRITAM YADAV Son of Mohan Yadav Ghutiya, P.S. Rajoun, District- Banka.
2. Dulari Devi Wife of Mohan Yadav Ghutiya, P.S. Rajoun, District- Banka.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Veena Devi wife of Pritam Yadav @ Prithvi Yadav, D/o Bijay Bhandari, Resident of Village Mahua, P.S. Panjwara, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Complaint Case No. 1181 of 2017

instituted for the offences under Sections 498(A), 379, 307

of the Indian Penal Code and Section 4 of the Dowry

Prohibition Act.

The learned counsel for the petitioners has

submitted that the cognizance on this complaint has been

taken only under Section 498A, 379 and 307 of the Indian

Penal Code and not under Section 4 of the Dowry Prohibition



Act. It has further been submitted that despite matrimonial differences between petitioner no. 1 and the opposite party no. 2, the petitioner no. 1 is ready to settle the differences. He is also ready for restitution/ resumption of conjugal rights. If that is not acceptable to the opposite party no. 2, the petitioner no. 1 is even ready for a one time settlement.

The petitioner no. 2 is the mother- in- law of O.P. No. 2, who also has expressed her desire that she would be the happiest person if the dispute between her son and her daughter-in-law is settled amicably.

Regard being had to the afore-noted stand of the petitioners, the petitioner no. 2 is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka, in connection with Complaint Case No. 1181 of 2017, subject to the condition laid down under Section 438 (2) of the Code



of Criminal Procedure.

With respect to petitioner no. 1, this Court directs that should he surrender before the court below within a period of eight weeks from today 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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