

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.273 of 2021

Arising Out of PS. Case No.-795 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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CHHOTU KUMAR, Son of Shri Jatan Paswan Resident of Village-
Muhammadpur, Post- Rikhar, P.S.- Vaishali, Distt- Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi, W/o Chhotu Kumar Resident of Village- Mohmmadpur, Post-
Rikhar, P.S.- Vaishali, Distt- Vaishali. At present D/o Ramchandra Paswan,
Resident of Village- Gariba, P.S.- Paju, Distt- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-06-2021 Heard Mr. Prakash Chandra Jha, learned

counsel for the petitioner and Mr. Manoj Kumar, learned

counsel for the complainant. The State is represented by

learned APP.

The petitioner, who is the husband of Opposite

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

connection with Complaint Case No. 795 of 2018 (Tr.

No. 3911 of 2019), in which cognizance has been taken

under Section 498 (A) of the Indian Penal Code.

The petitioner is the husband of Opposite Party



No. 2 and is ready for settlement of matrimonial dispute, provided she is agreeable for the same.

Notwithstanding the differences with his spouse, the petitioner is even today ready for negotiations with his wife / Opposite Party No. 2 for settlement of matrimonial dispute and return of Opposite Party No. 2 to her matrimonial home and if the aforesaid proposal of the petitioner is not acceptable to Opposite Party No. 2, he shall also not be averse to entering into negotiations for a one time settlement.

Considering 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, viz., Pinki Devi 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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