

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.309 of 2021

Arising Out of PS. Case No.-3 Year-2020 Thana- DERNI BAZAR District- Saran

Rajesh Prasad Gupta @ Rajesh Kumar Gupta, Son Of Daroga Sah Resident
Of Village - Maheshiya, P.S.- Derni, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Futi Devi, W/o Rajesh Prasad Gupta , D/o Surendra Prasad Permanent
Address Maheshiya, P.S.- Derni, Distt.- Saran at5 Chapra at Present
Address- Vill- Garkha, P.S.- Garkha, Distt.- Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari- Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-06-2021

Heard Ms. Rajani Kumari, the learned Advocate for
the petitioner and Mr. Nirmal Kumar Sinha, the learned APP for
the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Derni P. S. Case No.03 of 2020,
instituted for the offences under Sections 323, 341, 498(A), 504,
506, 34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

At the outset, the learned Advocate for the
petitioner has submitted that he is not averse to the talks of
settlement with his wife/ opposite party no.2, provided she is
agreeable for the same. He also wants a rapprochement and
perhaps restitution of conjugal rights.

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) 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 off.

(Ashutosh Kumar, J)

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