

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41743 of 2019**

Arising Out of PS. Case No.-163 Year-2018 Thana- MAHILA P.S. District- Bhojpur

RAVI KUMAR Son of Ram Pravesh Singh Resident of Village-Kaithiu, P.S-
Sanjhawali, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sangita Devi W/o Ravi Kumar D/o Ram Bachan Singh Resident of Village
and Post-Charpokhari, P.S-Charpokhari, District-Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Dr. Kumar Uday Pratap, APP
For the O.P. No. :	Ms. Smita Sreyas, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 11-08-2021 Heard Mr. Ajay Kumar Singh, learned Advocate
for the petitioner and Ms. Smita Sreyas for the opposite
party no. 2. The State is represented by Mr. Dr. Kumar
Uday Pratap, 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 Bhojpur Mahila P.S. Case No. 163 of
2018 dated 10.12.2018 instituted for the offences under
Sections 498(A), 379, 420, 120(B) and 506/34 of the
Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

On 08.07.2019, a Bench of this Court, after
considering the willingness of the parties to explore the
possibility of living together harmoniously, referred the



matter to the Patna High Court, Conciliation and Mediation Centre and granted interim reprieve to the petitioner.

It appears that the parties approached the Patna High Court, Mediation and Conciliation Centre but because of reasons which need not be stated in the order, the dispute could not be resolved and the proceeding had to be dropped midway.

The mediation report is part of the record.

Learned counsel for the petitioner has submitted that there could be some reason in the past for the mediation process coming a cropper but today, the petitioner is ready to settle the matrimonial dispute with his wife. It could be either in the shape of resumption of matrimonial life or for a one time settlement. Whichever option would be elected by the opposite party no. 2, the petitioner would be ready to co-operate with her.

As opposed to the aforesaid contention, learned counsel for the opposite party no. 2 has expressed the apprehension of the wife that such tall promises shall not over be kept by the petitioner who has been in the habit of harassing her continuously. She has also informed this Court that in the past, she was assaulted and because of that she got a fracture injury for which she



had to be treated for a long time. Despite this, the opposite party no. 2 is ready to participate in the negotiations, provided the court below before whom such negotiations shall take place, would personally monitor the safety of opposite party no. 2. She is also willing to go back to her matrimonial home provided she is not subjected to any further harassment or ignominy.

Considering the present status of the case and the stand of the parties, this Court directs that in the event of the petitioner surrendering before the court below positively within a period of six weeks, he shall be released on provisional bail and simultaneously notice shall be issued to opposite party no. 2 for her appearance. On the appearance of opposite party no. 2, the court will explore the possibilities of settlement, the modalities and shall also take into account the anxiety and fear of the opposite party no. 2.

In case, the parties agree for resumption of matrimonial life, the court shall ensure the safety of opposite party no. 2 by seeking an undertaking from the petitioner that he shall not, under any circumstance, subject opposite party no. 2 to any harassment or assault. The court below shall also ensure that for the next six months, the parties/spouses shall appear before it on monthly basis. The provisional bail shall be



confirmed only after six months, when the court would be satisfied and convinced that the spouses have been able to live under the same roof as man and wife in a proper and dignified manner and that there is mutual satisfaction.

In case the stand of the petitioner or of the opposite party no. 2 does not appear to be reasonable to the court, necessary orders shall be passed giving a short shift to the entire process which has been delineated in this order; meaning thereby that if the husband reneges on his assurance before this Court, his application for bail be rejected.

In case the opposite party no. 2 displays a rigid stand without any basis, that shall also be taken into account while passing a final order.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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