

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40179 of 2020

Arising Out of PS. Case No.-2268 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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GYAN PRAKASH S/O PRABHU PRASAD @ PRABHU PRASAD SAH
RESIDENT OF VILLAGE-KEHUNIYA, WARD NO.14, P.S-SHIKARPUR,
DISTRICT-WEST CHAMPARAN.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. KAVITA DEVI W/O GYAN PRAKASH, D/O LATE SURESH PRASAD
RESIDENT OF VILLAGE-SUGAR MILLS ROAD, NARKATIYAGANJ,
P.S.-SHIKARPUR, DISTRICT-WEST CHAMPARAN.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. A.M.P. Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-06-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Complaint Case No. 2268-C/2017
giving rise to SC No. 1378 of 2019, instituted for the
offences under Sections 498(A) of the Indian Penal Code
and Section 4 of the Dowry Prohibition Act.

At the outset, learned counsel 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 of.

(Ashutosh Kumar, J)

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