

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1278 of 2021**

Arising Out of PS. Case No.-1400 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Avinash Kumar Son Of Yogi Mahto Resident Of Village-Ahirvaliya,P.S-
Kotwa, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Kumari @ Nitu Devi, Daughter Of Denukh Mahto, Resident Of
Village-Bathna,P.S-Pprakothi, District-East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar- Advocate

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-07-2021 Heard Mr. Abhishek Kumar, the learned Advocate
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.C-1400 of 2018,
instituted for the offences under Section 323, 498(A), 406, 504
of the Indian Penal Code.

At the outset, the learned Advocate for the
petitioner has submitted that he is not averse to the talks of
settlement with his wife/ Complainant, 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 (Complainant) 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 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/ Complainant 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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