

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40726 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- MAHILA PS District- East Champaran

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CHINTU KUMAR, Son of Kamal Yadav, Resident of village-Chandpur,
P.S.-Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. SABITA KUMAR, Wife of Chintu Kumar, Resident of village-Chandpur,
P.S.-Sangrampur, District-East Champaran, presently C/o Dr. Dhruv Singh,
resident of village-Harsidhi Bazar, P.S.-Harsidhi, District-East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the O.P. No. 2 : Mr. Manjeet Kumar Mishra, Adv.
For the State : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-06-2021 Heard Mr. Ajay Kumar Singh, the learned counsel

for the petitioner and Mr. Manjeet Kumar Mishra, the learned

counsel for the informant/opposite party No. 2. The State is

represented by the learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Mahila P.S. Case No. 17 of 2020,



dated 08.05.2020, instituted for the offences under Sections 498(A), 313, 354 and 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The petitioner is the husband of the informant/opposite party No. 2.

It has been submitted on behalf of the petitioner that though the F.I.R. has been lodged against him and his family members, but the accusation of demand and torture is not specifically attributed against him only.

The learned counsel for the informant/opposite party No. 2 however has submitted that despite the petitioner ill-treating her, she is ready to stay with him as his legally wedded wife. It has further been submitted that an attempt in the past was also made to abort her when she had gone in the family way.

Notwithstanding all such disputes, today, the informant is ready to get back to the matrimonial fold.

The learned counsel for the petitioner is also not averse to the idea of settlement of matrimonial discord and bringing back to the informant/opposite party No. 2 to her



matrimonial home.

Considering the aforesaid stand of the parties, this Court directs that if the petitioner surrenders before the Court below within a period of six weeks from today, he shall be released on provisional bail. While granting provisional bail to the petitioner, his wife/informant/opposite party No. 2 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. However, in case the stand taken by the petitioner before the Court below does not appear to be reasonable, the provisional bail of the petitioner shall not be confirmed.

In case, the parties/spouses are agreeable for one time settlement, that possibility also shall be explored by the Court below and an order shall be passed. While saying so,



this Court has taken note of the submission advanced on behalf of the petitioner that both the spouses are working as government teachers.

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 the informant/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, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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