

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1753 of 2021

Arising Out of PS. Case No.-2905 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

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RAKESH KUMAR GUPTA, SON OF DEO SHANKAR PRASAD
MOHALLA- RAHAMGANJ, KALIMANDIR, P.S.- LAHERIASARAI,
DISTRICT- DARBHANGA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RANJITA KUMARI, WIFE OF RAKESH KUMAR GUPTA, DAUGHTER
OF SURENDRA PRASAD VILLAGE- NIRALA NAGAR, NEAR DAV
COLLEGE, SIWAN, P.S. SIWAN TOWN, DISTRICT- SIWAN.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra
For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2021 Heard Mr. Anil Chandra, learned counsel for the

petitioner and 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 Complaint Case No. 2905 of 2018 (Trial
No. 3283 of 2020), in which cognizance has been taken
under Section 498 (A) of the Indian Penal Code.

It has been submitted on behalf of the
petitioner that the Opposite Party No. 2 is a Xanthippe
and the petitioner has been at the receiving end for all



this while. It has further been submitted that the Opposite Party No. 2 has also filed a case against the petitioner under the Domestic Violence Act.

The petitioner has been paying maintenance of Rs. 5,000/- per month to the Opposite Party No. 2.

A Panchayati also was held between the spouses in which the Opposite Party No. 2 agreed that she would mend her ways. However, she did not show any improvement. Finding no other solution, the petitioner had to file divorce petition before the competent Court. That matter is still pending.

Notwithstanding the differences with his spouse, the petitioner is even today ready for negotiations with his wife / Opposite Party No. 2 for alternative settlement of matrimonial dispute, preferably for a one time settlement.

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, viz., Ranjita Kumari, 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.

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 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, this



petition stands disposed off.

(Ashutosh Kumar, J)

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