

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4931 of 2021

Arising Out of PS. Case No.-1131 Year-2019 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Jai Narayan Sah @ Lathi Sah, male, Son of Late Ramji Sah, Resident of
Village - Gandhi Path, Ward No.- 10, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Lalo Devi, Wife of Jai Narayan Sah @ Lathi Sah, Resident of Village-
Gandhi Path, Ward No.- 10, P.S.- Saharsa, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R.C. Thakur, Adv.
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 05-08-2021 Heard Mr. R.C. Thakur, 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 Saharsa Complaint Case No. 1131C
of 2019 in which cognizance has been taken against him
under Sections 406, 494, 498(A), 504 and 506 of the
Indian Penal Code.



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

At the outset, the learned counsel for the petitioner has submitted that he is not averse to the talks of settlement with his wife/complainant/opposite party No. 2, provided she is agreeable for the same. He also wants a rapprochement and perhaps restitution of conjugal rights. It has further been submitted that the petitioner is also not averse to the idea of settlement of matrimonial discord and bringing back to the complainant/opposite party No. 2 to her matrimonial home.

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/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, his provisional bail 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.

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 complainant/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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