

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2843 of 2021

Arising Out of PS. Case No.-1116 Year-2017 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Mantu Singh, aged about 30 years, male, Son of Ram Naresh Singh, Resident
of Village-Kharika, P.S.-Sonpur, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sni Devi, female, aged about 20 years, D/o Raj Kumar Mahto, R/o Village-
Maile, P.S.-Bidupur, District-Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh, Adv.
For the O.P. No. 2	:	Mr. Anuj Kumar, Adv.
For the State	:	Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 16-09-2021 Heard Mr. Mukesh Kumar Singh, the learned

Advocate for the petitioner and Mr. Anuj Kumar, the learned

counsel for the complainant/opposite party No. 2. The State

is represented by Ms. Meena Singh, the learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 1116 of 2017,



in which cognizance has been taken against him under Sections 498(A) and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961.

It has been the consistent stand of the petitioner, who is the husband of the complainant/opposite party No. 2, that he is ready to restore the matrimonial relationship with his wife (complainant/opposite party No. 2), provided she is agreeable for the same.

Mr. Mukesh Kumar Singh, the learned counsel for the petitioner has pointed out that on such plea taken by him before the Court below, the complainant/opposite party No. 2 flatly refused to join him as his legally wedded wife. He submits that perhaps the complainant/opposite party No. 2 does not like the petitioner and, therefore, she has contracted another marriage.

The aforesaid statement however has been made by the counsel for the petitioner with a caveat that such information could be wrong factually.

Mr. Anuj Kumar, the learned counsel for the complainant/opposite party No. 2, however, disputes the



aforesaid charge against her and submits that raising such an allegation is itself indicative of the fact that the petitioner does not want to restore the matrimonial life with the complainant/opposite party No. 2.

However, what both the counsels for the parties are agreeable to is that the matter could be settled by negotiations between them.

Considering the afore-noted background facts, this Court deems it appropriate to and directs that in the event of the petitioner surrendering before the Court below within a period of six weeks from today, he shall be released on provisional bail. Simultaneously, the complainant/opposite party No. 2 shall be noticed and on her appearance, the Court below shall explore the possibilities of negotiations and an amicable settlement between the spouses. If the talks of return of the complainant/opposite party No. 2 to the matrimonial home materializes, it would be the best situation for both the spouses and in that event, the Court below shall delineate the modalities of the return of the complainant/opposite party No. 2 to her matrimonial home



and the provisional bail of the petitioner shall be confirmed.

In case, it is found that the spouses are not ready to live under the same roof as man and wife, the possibilities shall be explored by the Court below for another mode of settlement between the parties, if they are agreeable for the same. However, if the stand of either of the parties is not found to be reasonable by the Court below, that shall also be taken into account while passing the final order with respect to confirmation of the provisional bail of the petitioner.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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