

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5040 of 2021

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA District- Munger

AMARJIT KUMAR @ AMARJIT KUMAR RAY Son of Surendra Prasad Ray Resident of Village - Dakra Satkhajuriya, P.S.- Naya Ram Nagar, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Devi Daughter of Late Ramji Mandal Resident of Kaura (Daura) Bagicha, P.S.- Gogri, District - Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh
For the Opposite Party/s	:	Mr. Rajesh Kumar
For the Opposite Party No. 2	:	Mr. Jai Vardhan Narayan

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-09-2021 Heard Mr. Ajit Kumar Singh, the learned counsel for the petitioner and Mr. Jai Vardhan Narayan, the learned counsel for the informant. The State is represented by Mr. Rajesh Kumar, the learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No. 05/2019 instituted for the offences under Section 498A, 494, 323 and 341 of the Indian Penal Code.

The petitioner is the husband of the opposite party no. 2.

Though several grounds have been raised in this



petition but Mr. Singh submits that it would be advisable that the matter be sent to the court below for facilitating negotiations between the spouses so as to settle the matrimonial discord.

Mr. Jai Vardhan Narayan, learned counsel for the informant / opposite party no. 2 has taken a strong exception to the submission that O.P. No. 2 is not the legally wedded wife of the petitioner. He submits that a child also has been born out of the wedlock and there is specific accusation of bigamy and adultery against the petitioner.

Be that as it may, Mr. Narayan is also agreeable to the proposal made by Mr. Singh that the matter be sent to the court below for facilitating negotiations between the parties which would help both the parties to come to an amicable settlement.

This would help both the parties to come to an amicable settlement.

For the afore-noted arguments, this Court 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, notices shall be issued to opposite party no. 2. On her appearance, the court below shall provide opportunity of negotiations between the spouses and if possible other relatives of both sides and would ensure that a settlement is arrived at.

In case it is found that the stand of the petitioner is genuine, his provisional bail shall be confirmed. If it is found that the petitioner is unnecessarily prevaricating and is taking a rigid stand, that shall also be taken into account before passing the final order of confirming the provisional bail. The same would be the case if the court below comes to a finding that the O.P. No. 2 is displaying a recalcitrant approach.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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