

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4923 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- SATHI District- West Champaran

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DHANANJAY PANDEY Son of Keshaw Pandey Resident of Village -
Laukariya, P.S.- Palanwa, Dist.- East Champaran, At present Adarsh Nagar,
Near Kaurihar Chowk, Raxaul, P.S.- Raxaul, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANUPAM PANDEY D/o Shree Jai Narayan Mishra Resident of Village -
Satwariya, P.s.- Sathi, Dist.- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan Singh- Advocate
For the Informant	:	Mr. Manjeet Kumar Mishra- Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-08-2021 Heard Mr. Rajeev Ranjan Singh, the learned

Advocate for the petitioner, Mr. Manjeet Kumar Mishra, the

learned Advocate for the informant and Mr. Kalyan Shankar, the

learned APP for the State.

The petitioner is the husband of opposite party no.2
seeks bail in anticipation of his arrest in connection with Sathi P.
S. Case No.112 of 2020, instituted for the offences under
Sections 341, 323, 498(A), 307, 504, 506/ 34 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

It has been alleged in the F.I.R. that the informant
was ill-treated, assaulted and attempted to be emulated.

The learned Advocate for the petitioner has



submitted that because of matrimonial dispute, the petitioner had filed a divorce case before the competent Court and the subject F.I.R. has been filed after one year of such divorce case having been filed.

It has further been submitted that the petitioner is ready to settle the matrimonial dispute with opposite party no.2 by way of one time settlement. He is also not averse to the idea of resumption of matrimonial relationship, in case the relationship between the spouses improves.

Mr. Manjeet Kumar Mishra, the learned Advocate for the informant however has submitted that despite the fact that the opposite party no.2 has been ill-treated, she is ready go for a settlement which could be either a one time settlement or return to the matrimonial home.

Considering the aforesaid stand of the petitioner, this Court directs that if the petitioner 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) shall be noticed and on her appearance, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the modality of



the return of opposite party to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the opposite party no.2 deliberately choosing not to settle the dispute without any appropriate cause.

If the conduct of the petitioner is found to be genuine, his provisional bail shall be confirmed by the Court below.

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

(Ashutosh Kumar, J)

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