

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.5845 of 2021

Arising Out of PS. Case No.-773 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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GUDDU SAHANI, SON OF SITARAM SAHANI VILLAGE- JAGTIYA
TOLA, P.S. PAKRIDAYAL, DISTT. EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

1. The State of Bihar
2. KAVITA DEVI, WIFE OF GUDDU SAHANI VILLAGE- JAGTIYA
TOLA, P.S.- PAKRIDAYAL, DISTT.- EAST CHAMPARAN,
MOTIHARI.AT PRESENT RESIDING AT VILLAGE BHAGWANPUR,
TOLA BANARJHULA, P.S. PARKIDAYAL, DISTT. EAST
CHAMPARAN, MOTIHARI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Chandra Patel
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-10-2021 Heard Mr. Sharda Nand Mishra, learned counsel

for the petitioner and Mr. Humayou Ahmad Khan,

learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. C-773 of



2019, in which cognizance has been taken under Sections 498A and 34 of the Indian Penal Code.

The petitioner is the husband of Opposite Party No. 2 and is ready for settlement of matrimonial dispute, provided she is agreeable for the same.

Notwithstanding the differences with his spouse, the petitioner is even today ready for negotiations with his wife / Opposite Party No. 2 for settlement of matrimonial dispute and return of his wife to her matrimonial home and if the aforesaid proposal of the petitioner is not acceptable to her, he shall also not be averse to entering into negotiations for a one time settlement.

Regard being had to the afore-stated facts, this Court deems it appropriate that in the event of the petitioner surrendering before the court below within a period of eight weeks, he shall be released on provisional bail, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran, Motihari, in connection with Complaint Case No. C-773 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

While granting provisional bail to the petitioner, his wife / Opposite Party No. 2, viz., Kavita Devi 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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