

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66469 of 2021

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Rohtas

SHAMBHU KUMAR S/o Sarwjeet Sah @ Jitan R/o village- Vivekanand
Nagar, Block Road Ratu, P.S.- Ratu, District- Ranchi (Jharkhand)
... Petitioner

Versus

1. The State of Bihar
2. Vijaya Bharti Gupta @ Gudiya W/o Shambhu Kumar, D/o Vinod Prasad
Gupta R/o village- Baraon, P.S.- Nokha, District- Rohtas (Bihar)
... Opposite Parties

Appearance :

For the Petitioner	:	Mr. Shri Prakash Srivastava, Adv.
For the State	:	Mr. Nityanand, APP
For the OP No. 2	:	Mr. Raghunandan Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-12-2021 Heard Mr. Shri Prakash Srivastava learned Advocate
for the petitioner, Mr. Raghunandan Kumar Singh learned
counsel for opposite party no. 2 and Mr. Nityanand learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Sasaram Mahila P.S. Case No. 46 of 2019 dated
08.07.2019 instituted for the offences under Sections 498(A),
315 and 34 of the Indian Penal Code and 3 and 4 of the Dowry
Prohibition Act, 1961.

The petitioner was earlier granted provisional bail by
this Court vide order dated 24.06.2020 passed in Cr. Misc. No.
86987 of 2019 with the caveat that he would participate in the
mediation proceeding before the Court below and in the event of



the dispute having been resolved between spouses, his provisional bail shall be confirmed by the Court below. The petitioner did not surrender pursuant to the order aforesaid but was arrested and brought before the Court below.

In view of the order passed by this Court, the Court below granted provisional bail to the petitioner and also issued notice to opposite party no. 2 for an amicable settlement of disputes. A reasonable time was granted to the petitioner for resolving the dispute but the petitioner never got back to the Court with any proposal which could have been agreed upon by opposite party no. 2. The provisional bail therefore was withdrawn by the Court below. The petitioner has again approached this Court for grant of anticipatory bail on the ground that even when the provisional bail was granted by this Court in the first instance, the petitioner had already filed a divorce case before the competent Court in which notice was issued to opposite party no. 2 and on her refusal to accept the same, a substituted notice was served.

These grounds would be of no avail to the petitioner since he had obtained bail on the assurance that he shall settle the matrimonial dispute with opposite party no. 2.

I am not inclined to entertain this petition for grant of



anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However looking at the factual background of the case, this Court directs that should the petitioner surrender before the Court below within a period of eight weeks, his application shall be considered on its own merits without being prejudiced by the fact that the provisional bail granted to the petitioner had to be withdrawn as the dispute existed.

The petition stands disposed off.

(Ashutosh Kumar, J)

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