

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54035 of 2019

Arising Out of PS. Case No.-1198 Year-2010 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Om Prakash Yadav @ Om Prakash Kumar, aged about 33 years, male, Son of Yogendra Yadav.
 2. Manish @ Poloo Yadav @ Manish @ Polu Yadav, aged about 35 years, male, Son of Yogendra Yadav.

Both are resident of Village- Pastpara, P.S.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Deeksha Kumari, D/o Chakdhar Prasad Yadav, W/o Om Prakash Yadav @ Om Prakash Kumar, resident of Village- Barahi, P.S.- Madhepura, Distt.- Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 31-08-2021 Heard Mr. Manoj Kumar, the learned Advocate for

the petitioners and the learned APP for the State.

The petitioners seek bail in connection with

Complaint Case No. 1198 of 2010 in which cognizance has

been taken under Section 498(A) of the Indian Penal Code.



The petitioner No. 1 is the husband of the opposite party No. 2, whereas the petitioner No. 2 is her brother-in-law.

Twice notices were directed to be issued to opposite party No. 2, but she has not been served with the notice.

The learned counsel for the petitioners has submitted that according to his information, the opposite party No. 2 has already married somebody and, therefore, is not interested in prosecuting this case.

Be that as it may, since the opposite party No. 2 has not been served notice, this Court deems it appropriate to send the matter to the learned Court below.

Should the petitioners surrender before the Court below within a period of six weeks from today, they shall be granted provisional bail. Simultaneously, notices shall also be issued to opposite party No. 2. If the opposite party No. 2 appears before the Court below, it shall, if the spouses so wish, provide a platform for negotiating an amicable settlement of all disputes between them. If the opposite



party No. 2 does not appear and the Court below is of the view that she is not interested in prosecuting the case, the provisional bail of the petitioners shall be confirmed.

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

(Ashutosh Kumar, J)

Praveen-II/-

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