

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63518 of 2019

Arising Out of PS. Case No.-844 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Anil Kumar, aged about 31 years, male, Son of Jamun Sah, resident of Village
- Chainpur Dhaka, Ward No. 12, P.S. - Dhaka, Distt. - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rupa Devi, aged about 26 years, female, Wife of Anil Kumar, resident of Village - Chainpur Dhaka, Ward No. 12, P.S.- Dhaka, Distt. - East Champaran at Motihari, presently residing at Daughter of Suresh Sah, Village - Bairgania Jawahar Tola, Ward no. 12, P.S. - Bairgania, Distt. - Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Jha, Adv.
For the O.P. No. 2	:	Mr. Alok Kumar Jha, Adv.
For the State	:	Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 25-10-2021 Heard the counsel for the parties.

The petitioner, who is the husband of the opposite party No. 2, seeks bail in anticipation of his arrest in connection with Sitamarhi Complaint Case No. C1 844 of 2018 in which cognizance has been taken against him under Sections 498(A) and 34 of the Indian Penal Code.

This matter was referred to the Mediation Centre of the Patna High Court where there was initial headway and



the opposite party No. 2 proceeded to join the petitioner as his legally wedded wife. However, on reaching the house of the petitioner, much to her dismay and chagrin, she found that the petitioner has solemnized another marriage during the subsistence of the present marriage.

Notwithstanding the aforesaid fact, the petitioner is ready for an amicable settlement of matrimonial dispute with opposite party No. 2 today as she has been rendered absolutely helpless because of the death of her father and two children born out of the wedlock who have to be fended for.

The learned counsel for the petitioner has submitted that as was his earlier stand, he is ready to make suitable arrangement for the maintenance of opposite party No. 2 and her two children.

Considering the aforesaid stand of the parties, this Court directs that in the event of the petitioner surrendering before the Court below in connection with Sitamarhi Complaint Case No. C1 844 of 2018 within a period of eight weeks from today, he shall be released on *provisional bail* on



his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The Court shall simultaneously issue notice to his wife/opposite party No. 2 and on her appearance, the Court below shall explore the possibility of a settlement between the spouses. The Court below shall ensure that a reasonable settlement is arrived at and the opposite party No. 2 and her children are properly fended for. Should the Court find that the stand of the petitioner is vacillating or he is running away from his commitment, that shall also be taken into account by the Court below before passing the final order of confirmation of the *provisional bail* of the petitioner.

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

(Ashutosh Kumar, J)

Praveen-II/-

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