

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72018 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- JIRADEI District- Siwan

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Rahul Kumar @ Rahul Gupta Son of Dinanath Sah @ Dinanath Prasad
Resident of Village- Chochahi, Police Station- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nikki Devi Daughter of Mahanath Sah, Wife of Rahul Kumar Gupta At present resident of Village- Ojha Ke Bareha, Police Station- Ziradei, District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, A.P.P. Mr. Chandra Kant, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 06-12-2021 Heard Mr. Raghav Prasad, learned Advocate for the petitioner and Mr. Chandra Kant for the informant. The State is represented by Mr. Prem Kumar Jha, learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Ziradei P.S. Case No. 36 of 2019 dated 17.04.2019 instituted for the offences under Sections 498(A) of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Though efforts were made for re-conciliation between the spouses but those efforts have yielded no result.

Mr. Chandra Kant, learned counsel for the



opposite party no. 2 has submitted that on the assurance of the petitioner that she will be kept well in her matrimonial home, she had gone to the house of the petitioner but she was assaulted and tortured and thrown out of the house. She has also received injuries on her person.

As apposed to the aforesaid contention, learned counsel for the petitioner submits that he is handicapped by 45% and that he has no prospect of marrying again and therefore he wishes to continue with the relationship with his wife.

It appears that the impasse between the spouses still remains.

However, considering the fact that the petitioner is ready to give it another try and to sit across the table to decide to resolve the dispute, this Court considers it appropriate to direct that in the event of the petitioner surrendering before the court below within a period of three 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. Simultaneously, the opposite party no. 2 also shall be noticed. On the appearance of the opposite party no. 2, the court below shall provide ample opportunities to the spouses/parties to negotiate and settle the differences in



an amicable manner. The parties would also be at liberty to go for a one time settlement if restitution of conjugal rights does not appear to be possible. If the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. If at all the court finds that the conduct/stand of the parties is obstructive and unreasonable that shall be taken into account for passing a final order of confirmation of provisional bail.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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