

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58303 of 2019

Arising Out of PS. Case No.-1135 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Deenkar Sahni @ Dinkar Sahni, male, aged about 29 years, Son of Jagdish Sahni, Resident of Village-Purushotampur Dakshin, Police Station-Halai O.P., District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhuri Kumari, female, aged about 25 years, Wife of Deenkar Sahni @ Dinkar Sahni, Daughter of Late Ashok Sahni, at present village-Manikpur, P.S.-Ghatho (Sarairanjan), District-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Adv.
For the O.P. No. 2	:	Mr. Kumar Praveen, Adv.
For the State	:	Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 31-08-2021 Heard Mr. Bijay Bhushan Prasad, the learned Advocate for the petitioner and Mr. Kumar Praveen, the learned counsel for the opposite party No. 2. The State is represented by Mr. Brajendra Nath Pandey, the learned APP.

The petitioner seeks bail in anticipation of his



arrest in connection with Complaint Case No. 1135 of 2018 (T.R. No. 1968 of 2019) in which cognizance has been taken against him for the offence under Section 498(A) of the Indian Penal Code.

The petitioner is the husband of the opposite party No. 2.

This matter was sent to the Mediation and Conciliation Centre of the Patna High Court for an amicable settlement of dispute between the parties. A settlement had been arrived at also and pursuant to such settlement, the opposite party No. 2 was taken back to her matrimonial home.

However, today, the learned counsel for the parties have given a different picture to this Court.

Mr. Bijay Bhushan Prasad, the learned Advocate for the petitioner submits that the opposite party No. 2 is happily residing in her matrimonial home.

Mr. Kumar Praveen, the learned counsel for the opposite party No. 2, on the other hand, has submitted that though she has been taken back to her matrimonial home,



but she has not been provided with any resources for leading her life. He has further submitted that all the accused persons of this case have left for Kolkata, leaving the opposite party No. 2 totally alone to fend for herself. In that view of the matter, it has been urged that the petitioner has not respected the commitment made by him at the time of mediation.

In view of such divergent statements made on behalf of the parties, this Court deems it appropriate that the matter be referred to the Court below.

Should the petitioner now surrender before the Court below within a period of six weeks from today, he shall be released on provisional bail. Simultaneously, the opposite party No. 2 shall also be noticed and on her appearance, the Court below shall look into the entire set of facts and shall pass orders in accordance with law.

Needless to state that if the parties agree to live as husband and wife on settled terms, the provisional bail of the petitioner shall be confirmed. If the Court finds that the approach of the petitioner is not proper, his provisional bail



shall not be confirmed.

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

(Ashutosh Kumar, J)

Praveen-II/-

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