

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62110 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Basant Rajak @ Basant Kumar, aged about 28 years, male, Son of Upendra Rajak, Resident of Ward No.11, Baghi, Suhird Nagar, P.S.-Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Choti Devi, aged about 23 years, female, Wife of Basant Rajak @ Basant Kumar, Resident of Ward No.11, Baghi, Suhird Nagar, P.S.-Muffasil, District-Begusarai. At present she resides at Daughter of Suresh Rajak, Village-Maniyappa, West Pokhar, P.S.-Matihani, District-Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Adv.
For the O.P. No. 2	:	Mr. Braj Bhushan Poddar, Adv.
For the State	:	Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 27-09-2021 Heard Mr. S.K. Lal, the learned Advocate for the petitioner and Mr. Braj Bhushan Poddar, the learned counsel for the complainant/opposite party No. 2. The State is represented by the learned APP.

The petitioner seeks bail in anticipation of his



arrest in connection with Complaint Case No. 30 of 2019 in which cognizance has been taken against him under Section 498(A) of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

Notwithstanding the accusation against the petitioner, it has been submitted at the outset on his behalf that he is ready and willing to resume the marital life with the complainant/opposite party No. 2.

Mr. Braj Bhushan Poddar, the learned counsel for the complainant/opposite party No. 2, however states on instructions that she is not desirous of living with the petitioner for the reason that the petitioner has married another lady during the subsistence of the marriage with her.

The aforesaid contention of the complainant/opposite party No. 2 is seriously disputed by the counsel for the petitioner.

However, the parties are *ad-idem* on the proposal that an opportunity be given to both of them to settle their



dispute amicably which may not necessarily be the resumption of marital life but could be by way of one time settlement.

Considering the aforesaid stand of the parties, this Court directs that if the petitioner surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. Simultaneously, his wife/complainant/opposite party No. 2 shall be noticed and on her appearance, the Court below shall explore the possibilities of settlement between the spouses by facilitating bilateral negotiations. The Court would be expected to act as a mediator and in case it is found that there is every likelihood of the dispute being settled or in the event of the dispute being settled, the provisional anticipatory bail of the petitioner shall be confirmed. If the conduct of either of the parties is found to be unreasonable, that shall also be taken into account by the Court below before confirming the provisional bail of the petitioner.

In case, the parties/spouses are agreeable for one time settlement, that possibility also shall be explored by the



Court below and an order shall be passed in accordance with law.

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

(Ashutosh Kumar, J)

Praveen-II/-

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