

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63886 of 2019

Arising Out of PS. Case No.-2002 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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PANKAJ KUMAR MANDAL Son of Futeshwar Mandal Resident of Village - Sarba, P.S.- Poraiyahat, Distt.- Godda, At present residing at Gayatri Nagar, Bhattdiha Panchayat Ward No.4, Gooda, P.S.- Godda, Distt.- Godda (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Kumari W/o Pankaj Kumar Mandal Resident of Village - Sarba, P.S.- Poraiyahat, Distt.- Godda, At present residing at Gayatri Nagar, Bhattdiha Panchayat Ward No.4, Gooda, P.S.- Godda, Distt.- Godda (Jharkhand) but Khushbu Kumari, D/o Shambhu Prasad Sah residing at Chaichak, Mamalkha, P.S.- Sabour, Distt.- Bhagalpur (Bihar).

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Anita Kumari Singh
For the Opposite Party/s	:	Mr.Raj Ballabh Singh
For the Complainant	:	Mr. Praveen Kumar Agarwal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 06-12-2021 Heard Ms. Anita Kumari Singh, the learned

counsel for the petitioner and Mr. Praveen Kumar Agarwal,

the learned counsel for the complainant / opposite party no.

2. The State is represented by the learned APP.

The petitioner, who is the husband of opposite party no. 2 seeks bail in anticipation of his arrest in connection with Complaint Case No. 2002C of 2016 in which cognizance has been taken under Sections 323, 498A and 34 of the Indian Penal Code and Section 4 of the D.P. Act.



It has been submitted on behalf of the petitioner that an effort at mediation failed in the past.

However, the petitioner is even today ready for mediation provided reasonable terms of settlement is agreed upon between the parties.

Mr. Agarwal, the learned counsel for the opposite party no. 2, however, has stated that after the process of mediation failed, the opposite party no. 2 wanted to resume the matrimonial life with the petitioner but for no good reason, she was assaulted and thrown out of the matrimonial home.

From the arguments advanced on behalf of the parties, this Court is of the view that there is no possibility of rapprochement between the spouses in near future.

However, this Court deems it appropriate that a last chance be given to the petitioner and his wife to negotiate between themselves for a one time settlement or any effective resolution of the matrimonial dispute. For the aforesaid purpose, this Court directs that in the event of the petitioner surrendering before the court below within a



period of three weeks from today, he shall be released on provisional bail on his furnishing bonds in the sum of Rs. Ten Thousand (Rs. Ten Thousand) with two sureties of like amount. Simultaneously, the complainant / opposite party no. 2 shall be noticed and on appearance of the parties, the court below shall first make efforts at mediation and would ensure that the dispute is resolved.

In case it is found that either of the parties is taking an unreasonable stand, that shall be taken into account while passing the final order, either confirming or rejecting the prayer for anticipatory bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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