

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63973 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- GARKHA District- Saran

DEO KUMAR SINGH S/o Late Ratnesh Singh R/o village- Sarai Bux, P.O.- Sarai Bux, P.S.- Bheldi, District- Saran. At present- Resident of St. Joseph AND 039 s Academy, Atal Nagar, Newaji Tola, P.O.- Gurukul Mehiyan, P.S.- Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Singh, daughter of late Shushil Kr. Pandey, resident of village – Akhtiyarpur, PO- Garkha, PS – Garkha, District – Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwanath Prasad Singh, Sr. Adv.
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Laxman Lal Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

10 28-09-2021 Heard Mr. Vishwanath Prasad Singh, the learned senior Advocate for the petitioner and Mr. Laxman Lal Pandey, the learned Advocate for the informant/opposite party no. 2. The State is represented by Mr. Anuj Kumar Shrivastava, the learned APP.

The petitioner, who is the husband of the opposite party no. 2 seeks bail in anticipation of his arrest in connection with Garkha P.S. case No. 134 of 2019 instituted for the offences under Sections 341, 342, 323, 494, 497, 498(A), 506 and 34 of the Indian Penal Code.

This case was sent to the Mediation Center for an



amicable settlement of matrimonial disputes but to no avail.

The petitioner has also filed a divorce case before the competent court.

Mr. Singh, learned senior Advocate has informed this court that by way of an attempt at resolving the dispute, the petitioner has offered a one time amount of Rs. Eight Lakhs to the informant towards her matrimonial dues.

The aforesaid proposal is not at all acceptable to the opposite party no. 2.

The learned counsel representing the O.P. No. 2 has stated that the petitioner has solemnized another marriage during the subsistence of her marriage with him. He has brought on record the photograph and the newspaper clipping regarding the second marriage of the petitioner.

Mr. Singh, learned senior Advocate disputes the aforesaid contention and submits that the accusation of second marriage is absolutely false.

The upshot of aforesaid discussion is that there is now no possibility of settlement of matrimonial dispute in an amicable manner.



In such an event, regard being had to the fact that the mediation has failed and the negotiations for out of Court settlement is not possible, I am not inclined to extend the privilege of provisional bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, his petition shall be considered on its own merits taking into account that he had made definite efforts at resolving the conflict with his wife and is even ready to settle the dispute out of court and is also ready to part with substantial amount as one time settlement as well as the fact that a divorce proceeding is pending before a competent court of law and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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