

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74206 of 2019

Arising Out of PS. Case No.-523 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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MANOHAR KUMAR Son of Satya Narayan Mehta Resident of Village-
Baijanathpur, P.S.- Sour Bazar (Baijanathpur O.P.), District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guddi Devi Wife of Manohar Kumar, D/O Laxmi Pd. Singh Resident of
Village- Samada, P.S.- Sour Bazar, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Adv
	:	Mr. Anant Kumar 1, Adv.
For the Opposite Party/s	:	Ms. Sucheta Yadav Adv.
For Opposite Party No. 2	:	Mr. Pawan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 09-08-2021 Heard Mr. Amarnath Jha, learned Advocate for

the petitioner and Mr. Pawan Kumar, learned Advocate for

the informant. The State is represented by Ms. Sucheta

Yadav, 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. 523C of 2017 in which,
Cognizance has been taken under Sections 341, 342, 323
and 498(A) of the Indian Penal Code.

It appears from the bail petition and from various



orders annexed with such petition that interim relief was granted to the petitioner on his assurance of making payment of Rs. 2,000/-per month to opposite party no. 2. The parties were also asked to be present in the Chambers. However, for some reason or the other, the matter could not finally be decided.

Learned counsel for opposite party no. 2 has submitted that the direction of this Court to the petitioner for making payment of Rs. 2,000/- per month to opposite party no. 2 is not being complied with fully and for last several months now, the payment has not been resumed.

Mr. Jha, learned counsel for the petitioner, however, has submitted that there is some miscommunication between the parties. He has been instructed to inform this Court that he is ready for a one time settlement with opposite party no. 2 provided she is agreeable for the same. The petitioner shall make endeavors for resumption of matrimonial relationship in case the opposite party no. 2 is agreeable for the same. He, therefore, submits that the matter be remitted to the Court



below where in presence of the Court, all these issues shall be sorted out and in case the stand of the petitioner is not found to be genuine, any order may be passed by the court below.

Regard being had to the afore-noted background facts and the stand of the parties today, this court deems it appropriate to direct that in case the petitioner surrenders before the court below and seeks bail, he shall be released on provisional bail. Simultaneously, the opposite party no. 2 shall be noticed and on her appearance, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the modality of the return of opposite party No. 2 to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the opposite party No. 2 deliberately choosing not to settle the dispute without any appropriate cause.

If the conduct of the petitioner is found to be



genuine, his provisional bail shall be confirmed by the Court below.

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

(Ashutosh Kumar, J)

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