

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60742 of 2019

Arising Out of PS. Case No.-598 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. GURIYA DEVI @ MAMTA DEVI @ MAMTA SINGH Wife of Gajendra Singh @ Mantu Singh Resident of Village - Kawatiya, P.S.- Kawatiya, District- Bhojpur, At present Postal Park, Bangali Tola, Ran Nagar Opp. of Munna Loz, P.S.- Jakkanpur, District- Patna
 2. Gajendra Singh @ Mantu Singh Son of Shankar Singh Resident of Village - Kawatiya, P.S.- Kawatiya, District- Bhojpur, At present Postal Park, Bangali Tola, Ran Nagar Opp. of Munna Loz, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Veena Singh Wife of Amit Kumar Singh Resident of Village - Bharkuriya, P.S.- Kachhwan, District- Rohtas, Present Address - D/O Sri Binod Singh, Resident of Village - Kistipur, P.S.- Dhanarua, District- Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75451 of 2019

Arising Out of PS. Case No.-598 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

AMIT KUMAR SINGH @ AMIT KUMAR Son of Sumanat Singh Resident of Village- Bharkuriya, P.S.- Kachhwan, District- Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Veena Singh Wife of Amit Kumar Singh Resident of Village- Bharkuriya, P.S.- Kachhwan, District- Rohtas. Present Address- Sri Binod Singh, Resident of Village- Kistipur, P.S. Dhanarua, District- Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60742 of 2019)

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP
Mr. Sanjiv Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 75451 of 2019)

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP
Mr. Sanjiv Kumar, Advocate



CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 26-10-2021 Heard Mr. Gagan Deo Yadav, learned Advocate for the petitioners and Mr. Sanjiv Kumar for the O.P. No. 2. The State is represented by Ms. Sangeeta Sharma, learned APP.

The petitioners, who are the sister-in-law, brother-in-law and husband of opposite party no. 2, seek bail in anticipation of their arrest in connection with Complaint Case No. 598(C) of 2018 in which cognizance has been taken under Sections 323, 498(A) and 504 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

It appears from the records that the matter was referred to the Mediation Centre, Patna High Court for an effective settlement of the disputes. The mediation process could not begin because of the pandemic closure.

However, today, the learned counsel for the O.P. No. 2 has informed this Court that all the petitioners have been declared absconders as the process under Sections 82 and 83 of the Code of Criminal Procedure has been executed.

In that view of the matter, I am not inclined to keep these petitions alive for consideration.

The prayer for anticipatory bail is rejected.



However, if the petitioners surrender before the court below and seek bail, the court below shall consider that other accused persons have been granted bail and that the sister-in-law and brother-in-law have only been made accused in this case because of their relationship with the husband of O.P. No. 2 and that the husband also is desirous of entering into negotiations for the settlement of the domestic dispute with his wife, and shall pass orders in accordance with law without being prejudiced by the fact that the present applications on their behalf have not been entertained. The court below shall also ensure that ample opportunities are provided to the parties to negotiate for resumption of matrimonial life of the spouses or in the alternative of a one time settlement before passing a final order. The court below shall, before passing the final order, also take into account the respective conduct of the parties during negotiations.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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