

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79732 of 2019

Arising Out of PS. Case No.-2491 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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CHANDAN MUKHIYA S/o Bhikhan Mukhiya R/o village- Kataha, P.S.-
Motihari Mufassil, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nilam Devi W/o Chandan Mukhiya, D/o Mahesh Mukhiya R/o village-
Kataha, P.S.- Mufassil Motihari, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Kumar Chandra, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 10-08-2021 Heard Mr. Ambuj Kumar Chandra, learned

Advocate for the petitioner and Mr. Madan Kumar,

learned APP for the State.

There is no appearance on behalf of opposite

party no. 2.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 2491 of

2017 (Trial No. 2197 of 2019) in which cognizance has

been taken under Section 498A of the Indian Penal Code

and Sections 3/4 of the Dowry Prohibition Act.



It appears from the previous orders that notice was issued to opposite party no. 2 by both modes. However, the office report indicates that ordinary post notice has been refused to be accepted by opposite party no. 2.

The petitioner is the husband of opposite party no. 2 and is always ready to settle the matrimonial dispute provided opposite party no. 2 agrees for the same. For the reasons which have not known to the petitioner, the opposite party no. 2 has refused to accept the notice.

Under the aforesaid circumstances, this Court deems it appropriate to direct that if the petitioner surrenders before the court below within a period of four weeks from today, he shall be released on provisional bail and simultaneously notice shall be issued to the opposite party no. 2. On the appearance of the opposite party no. 2, the court will explore the possibilities of settlement and if the issues between the spouses are



settled, the provisional bail of the petitioner shall be confirmed. The provisional bail of the petitioner shall also be confirmed in the event of the informant showing an unreasonable attitude during the deliberations. If the conduct of the petitioner is not good, that should also be taken into account before confirming the provisional bail of the petitioner.

The petition stands disposed of.

(Ashutosh Kumar, J)

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