

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69904 of 2019

Arising Out of PS. Case No.-2959 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

MUKESH KUMAR, Son of Chansi Prasad Yadav Resident of Mohalla - West
Lohanipur, P.S.- Kadam Kuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Karina Kumari, Wife of Sri Mukesh Kumar Daughter of Sri Akhilesh
Yadav, Resident of Mohalla - Nala Road Salimpur Ahra, Post Office - G. P.
O., P.S.- Gandhi Maidan, District - Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Parashuram Singh- Advocate
For the Opposite Party/s : Mr. Nityanand- A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 13-09-2021 Heard Mr. Parashuram Singh, the learned

Advocate for the petitioner and Mr. Nityanand, the learned

APP for the State.

The petitioner, who is the husband of opposite
party no.2, seeks bail in anticipation of his arrest in
connection with Complaint Case No.2959(C) of 2018,
instituted for the offences under Section 498A of the Indian
Penal Code and Section 4 of the D.P. Act.

By order dated 18.12.2019, a Bench of this Court
had issued notice to opposite party no.2 by both the
processes and had given interim reprieve to the petitioner.



It appears that twice notices were sent on the address provided in the complaint petition but the service report says that opposite party no.2 does not reside at the given address. This Court had given time to learned Advocate for the petitioner to find out the correct and present address of opposite party no.2 but today he has submitted that the petitioner only knows of the address which has been provided in the complaint petition.

Considering this aspect of the matter, this Court disposes off this petition with a direction to the Court below that in case petitioner surrenders before it, he shall be granted provisional bail and notice shall be issued to opposite party no.2 for her appearance. The notice could be served through the counsel appearing for the opposite party no.2 in the Court below. After appearance of the parties, the Court below shall provide one opportunity for settlement of disputes between the spouses and if it happens, the provisional bail of the petitioner shall be confirmed. In case, it is found that despite good intentions and efforts of the petitioner to settle the dispute, the same is not possible because of the rigid stand of opposite party no.2, that fact



also shall be taken into account before passing a final order
of confirmation of the provisional bail to the petitioner.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

