

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74165 of 2019**

Arising Out of PS. Case No.-39 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

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GAYSUL SAH @ GAYASUDDIN DEWAN @ GAYASUDDING DEWAN
Son of Ganni Sah Resident of Village- Balrampur, P.S.- Purushottampur,
District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anjmara Khatoon Wife of Gaysul Sah @ Gayasuddin Dewan @
Gayasudding Dewan and Daughter of Ansarul Sah Resident of Village-
Dabraul, P.S.- Matiyaria, District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

Mr. Gauri Shankar Thakur, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

6 20-12-2021 Heard Mr. Umesh Chandra Verma, learned
Advocate for the petitioner and Mr. Gauri Shankar
Thakur for the informant. The State is represented by
Mr. Syed Mojibur Rahman, learned APP.

The petitioner, who is the husband of opposite
party no. 2, seeks bail in anticipation of his arrest in
connection with Purushottampur P.S. Case No. 39 of
2019 dated 20.05.2019 instituted for the offences under
Sections 498-A, 504 and 34 of the Indian Penal Code
and Sections 3/4 of the Dowry Prohibition Act.

The matter was referred to the mediation
centre of Patna High Court but the mediation proceeding



does not appear to have been concluded.

The report of the mediator indicates that some more time would be required. Hence, a request has been made for extension of time.

Learned counsel for the petitioner, however, submits that he is ever ready to enter into negotiation with opposite party no. 2 for the settlement of the marital discord. He is ready for either one time settlement towards the matrimonial dues of opposite party no. 2 or for resumption of matrimonial life, whichever is acceptable to opposite party no. 2.

Learned counsel for opposite party no. 2 has submitted that this is only a strategy of the petitioner to take relief from the Court. If the petitioner is ready to take back opposite party no. 2 to the matrimonial fold, there would be no difficulty as the opposite party no. 2 herself is desirous of the same.

It appears that some intervention is required by the Court for the parties to decide about the manner in which such resumption of matrimonial life would take place.

For the aforesaid purpose, this Court deems it appropriate to refer the matter to the court below.

Should the petitioner surrender before the court below within a period of four weeks, he shall be released



on provisional bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount but the opposite party no. 2 shall be noticed. On appearance of opposite party no. 2, an opportunity shall be provided to the parties for negotiation of a settlement. In case the dispute is settled and the parties are agreeable for resumption of matrimonial life, the provisional bail granted to the petitioner shall be confirmed or else the law will take its own course.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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