

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85566 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

ARBIND KUMAR Son of Pradeep Sharma Resident of Village - Mustpur Halepa, P.S.- Goroul, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Baby Devi W/o Arvind Kumar , D/o Sohan Thakur Resident of Village - Mustpur Halepa, P.S.- Goroul, Distt.- Vaishali, at Present D/o Sohan Thakur, Resident of Village - Gangapur, P.S.- Mushahari, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raju Kumar Goswami.
For the Opposite Party/s	:	Mr. Ashraf Ansari
O.P. No. 2	:	Mr. Nikesh Sinha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

- 3 23-08-2021 Heard Mr. Raju Kumar Goswami, learned counsel for the petitioner and Mr. Nikesh Sinha, learned counsel for the informant / opposite party no. 2. The state is represented by Mr. Ashraf Ansari, learned APP.

The petitioner, who is the husband of opposite party no. 2 seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No. 38/2019 instituted for the offences under Sections 498(A), 496, 494, 323, 341/34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

Though the petitioner is ready to settle the



differences with his wife / opposite party no. 2 and is also ready to resume matrimonial life with her provided she is agreeable for the same but the learned counsel for the opposite party no. 2 has informed this Court that the petitioner has remarried during the subsistence of his marriage with the O.P. No. 2. In that view of the matter, it may not be possible for O.P. No. 2 to join him as his legally wedded wife. However, she would not be averse to a settlement with respect to a maintenance and other matrimonial dues.

Considering the aforesaid stand of the parties, this Court directs that in case the petitioner surrenders before the court below and seeks bail, he shall be released on provisional bail. But before granting such privilege, the O.P. No. 2 shall be noticed and the Court below shall facilitate negotiation between the spouses. If one time settlement is arrived at, necessary orders shall be passed confirming the bail of the petitioner.

If the stand of the petitioner is found to be unreasonable, the provisional bail shall be withdrawn.



The petition stands disposed of with the aforesaid
observation.

(Ashutosh Kumar, J)

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