

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.83582 of 2019

Arising Out of PS. Case No.-260 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE

District- Samastipur

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RAJESH KUMAR @ RAJESH KUMAR RAI, Son of Radhe Rai Resident of
Village - Bejha Dih, P.S.- Samastipur (M), District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Nilu, Wife of Rajesh Kumar @ Rajesh Kumar Rai Resident of
Village - Bejha Dih, P.S.- Samastipur (M), District- Samastipur and
Presently residing as D/O - Nirdhan Rai, Resident of Village - Jitwarpur
Nizamat, P.S.- Samastipur (M), District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Thakur

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 04-10-2021 Heard Mr. Sunil Kumar Thakur, learned

advocate for the petitioner and Mr. Pramod Kumar

Singh, learned counsel for the Opposite Party No. 2. The

State is represented by Mr. Gauri Shankar Gupta,

learned APP.



The petitioner, who is the husband of Opposite Party No. 2, seeks bail in anticipation of his arrest in connection with Complaint Case No. 260 of 2019, in which cognizance has been taken under Sections 498A and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961.

This Court had sent the matter to the Mediation Centre, Patna High Court but as ill-luck would have it, mediation process could not begin because of the pandemic closure.

Mr. Pramod Kumar Singh, learned advocate for the Opposite Party No. 2 has submitted that resumption of matrimonial life may not be possible as according to her information, the petitioner has remarried somebody during the subsistence of marriage with her. However, she is not averse to the idea of alternative settlement which could be for a one time settlement for all matrimonial dues of Opposite Party No. 2.

Considering the aforesaid stand of Opposite



Party No. 2 and the petitioner also not being averse to the idea of settlement of matrimonial dispute, this application is disposed off with a direction that if the petitioner surrenders before the court below within a period of eight weeks from today, he shall be released on provisional bail. While granting provisional bail to the petitioner, his wife / Opposite Party No. 2, viz., Kumari Nilu shall be noticed and on her appearance, the court below shall explore the possibilities of settlement between the spouses by facilitating bilateral negotiations. The Court would be expected to act as a mediator and in case it is found that there is every likelihood of the dispute being settled or in the event of the dispute being settled, the provisional anticipatory bail of the petitioner shall be confirmed.

If for some reason, which would not be attributable to the stand of the petitioner, the talks of settlement fails and it is found that it is because of the intransigence of Opposite Party No. 2, that fact also



shall be taken into account while passing an order confirming the provisional anticipatory bail of the petitioner.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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