

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87408 of 2019

Arising Out of PS. Case No.-371 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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HIRA CHAUDHARY Son of Late Sant Chaudhary Resident of Village -
Narkatiya, P.S.- Gopalpur, Distt - West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Ghuna Devi Wife of Heera Chaudhary Resident of Village - Narkatiya, P.S.-
Gopalpur, Distt - West Champaran. Present Address R/o - Madhubani, P.S.-
Pokhariya, Distt - Parsa Nepal.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate Mr. Vibhakar Kumar, Advocate
For the Opposite Party/s :		Mr. Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-09-2021 Heard Mr. Binay Kumar, learned Advocate for
the petitioner and Mr. Ram Bachan Singh, 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. 371C/2017 in which
cognizance has been taken under Section 498(A) of the
Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

This Court had, on 24.01.2020 directed for
issuance of notice to opposite party no. 2 by both the
processes and had granted interim protection to the
petitioner. The petitioner has filed requisites but the



service report indicates that the opposite party no. 2 has shifted to her mother's place somewhere in Nepal and therefore, she could not be served.

Learned counsel for the petitioner submits that from the bare reading of the complaint petition, it would appear that the opposite party no. 2 has left her matrimonial home along with her two children. The petitioner is desirous of resumption of matrimonial life and return of his children. He is even ready for a one time settlement, if the proposal for resumption of marriage is not acceptable to the opposite party no. 2. The petitioner had, in the first instance, provided correct address of the opposite party no. 2 but for reasons which are not known to him, the service report indicates that she is not residing at that place.

The learned counsel for the petitioner, therefore, requests that the matter be sent to the court below, who would have the notice served upon opposite party no. 2 through her counsel in the court below.

Considering the afore-noted arguments, this Court deems it appropriate to and directs that in the event of the petitioner surrendering before the court below within a period of eight weeks he shall be released on provisional bail and simultaneously notice to opposite party no. 2 shall caused to be served through her



counsel. On appearance of the parties, an attempt shall be made for resolving the matrimonial dispute, either by way of resumption of conjugal rights or any other viable alternative. In case the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. In the event of the court finding the approach of the petitioner to be obstructionist or unreasonable, that shall be taken into account before confirming the provisional bail. The stand of the opposite party no. 2 shall also be taken into consideration before passing of the final order.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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