

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16554 of 2021

Arising Out of PS. Case No.-605 Year-2019 Thana- MUNGER COMPLAINT CASE
District- Munger

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BIPIN KUMAR SHARMA S/o Awdhesh Sharma R/o village- Khawaspur
Milik, P.S.- Pirpati, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SANGITA KUMARI W/o Bipin Kumar Sharma R/o village- Khawaspur
Milik, P.S.- Pirpati, Distt.- Bhagalpur, at present R/o village- Bari
Madhuwan Dariyapur, P.S.- Kharagpur, Distt.- Munger

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Kumar Kamal Nayan
For the Opposite Party/s	:	Mr. APP
For O.P. No. 2	:	Mr. Krishna Kumar Yadav

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-03-2022 Heard the learned counsel for the parties.

The petitioner who is the husband of O.P. No. 2 seeks bail in anticipation of his arrest in connection with Complaint Case No. 605C/2019 in which cognizance has been taken under Sections 323, 498(A), 418, 420, 406, 504, 120(B)/34 of the Indian Penal Code.

The O.P. No. 2 was initially not ready for any negotiation for settling the matrimonial dispute as according to her the petitioner has married her despite the subsistence of his marriage with another person.



The aforesaid charge against the petitioner has been disputed by him and the learned counsel for the petitioner submits that it is a wild accusation, not based on any positive information.

The petitioner denies to have married anybody before marrying with opposite party no. 2.

After some argument, the learned counsel for the opposite party no. 2 agreed to the proposal of the petitioner for negotiations for resolving the matrimonial dispute either by way of peacefully ending the relationship as also for a one time settlement which would take care of all the matrimonial dues of the opposite party no. 2.

Regard being had to the afore-noted stand of the parties before this Court, it is directed that if the petitioner surrenders before the court below within a period of six weeks along with a copy of this order, he shall be released on provisional bail and simultaneously notice shall be issued to opposite party no. 2. After her appearance in the matter, the court below shall provide opportunities to the spouses to settle their differences.



In the event of the parties not ready to reside as man and wife under the same roof, they could negotiate for a one time settlement.

If the dispute is resolved, the provisional bail granted to the petitioner shall be confirmed.

If for any reason, the dispute does not get resolved and the court below is of the view that the stand of the petitioner was not reasonable, the provisional bail shall not be confirmed.

However, while passing the aforesaid order, the court below shall also take into account the stand of the opposite party no. 2 and if it is unreasonable, that shall also be taken into account before passing the final order with respect to confirmation of anticipatory bail of the petitioner.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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