

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14618 of 2021

Arising Out of PS. Case No.-316 Year-2019 Thana- SHAHKUND District- Bhagalpur

VIKASH MANDAL @ BIKASH MANDAL S/o Triveni Mandal Resident of
Village- Gargama, P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Devi Wife of Vikash Mandal, D/o Jitan Mandal Resident of Village-
Gorgawa, P.S.- Shahkund, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 18-04-2022 Heard Mr. Dhananjay Kumar Gupta, the learned
Advocate for the petitioner and the learned APP for the State.

The petitioner, who is the husband of O.P. No. 2 seeks
bail in anticipation of his arrest in connection with Shahkund
P.S. Case No. 316 of 2019 instituted for the offences under
Sections 498A, 494 and 34 of the Indian Penal Code.

The O.P. No. 2 was noticed under the orders of this
Court which notice has been received by her mother. Despite
that, there is no appearance on her behalf.



The learned counsel for the petitioner has also filed an affidavit of jointness of O.P. No. 2 with her mother.

At the outset, the learned counsel for the petitioner has submitted that notwithstanding the differences between the spouses and the accusation made in the F.I.R., the petitioner is ready for a negotiation and settlement of dispute with his wife/opposite party no. 2 provided she is agreeable for the same.

Considering the afore-noted facts, this Court directs that if he 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) shall be noticed and on her appearance, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the modality of the return of opposite party No. 2 to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the opposite party No. 2 deliberately choosing not to settle the dispute without any appropriate cause.

If the conduct of the petitioner is found to be genuine, his provisional bail shall be confirmed by the Court below.



With the aforesaid observation/direction, the application stands disposed of.

(Ashutosh Kumar, J)

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