

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10764 of 2020

Arising Out of PS. Case No.-597 Year-2018 Thana- SIWAN COMPLAINT CASE District-
Siwan

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AMIT KUMAR @ AMIT KUMAR SINGH S/o Rajbalam Singh Resident of
Village- Bihar Khurd Samasur, P.S.- Patherawa, Distt- Kushinagar (U.P.) At
present R/o Mohalla Ratanpura, Lane no.5 House No. 77, Tahsil Fagwara,
Distt- Kapur Thala (Punjab)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Priti Devi W/o Amit Kumar Singh, D/o Akhlesh Singh Resident of Bihar
Kurd Samaur, P.S.- Patherawa, Distt- Khushinager (U.P.) At Present R/o
Village- Pokhara, P.S.- Maharaj Ganj, Distt- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Prithvi Nath Mishra, Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad, APP
	Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 27-01-2022 Heard Mr. Prithvi Nath Mishra, learned
Advocate for the petitioner and Mr. Ashok Kumar for the
opposite party no. 2. The State is represented by Mr.
Jagdhar Prasad, 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. 597 of 2018 in
which cognizance has been taken under Sections 323,
498A and 406 of the Indian Penal Code and Sections
3/4 of the Dowry Prohibition Act.

Learned Advocate for the petitioner has
submitted that the accusation in the FIR is absolutely



false. In fact, the parties are no longer husband and wife, as a decree of divorce has been pronounced by the competent court.

As opposed to the aforesaid contention, learned counsel for the informant has submitted that the divorce has been obtained *ex parte* by keeping the opposite party in dark.

It has further been submitted that the petitioner has never maintained her nor the daughter born out of the wedlock.

However, despite this, the opposite party no. 2 is desirous of negotiations with her husband so that some arrangement be made for her maintenance. She has been rendered absolutely helpless and destitute because of such intransigent stand of her husband/the petitioner.

After having heard the aforesaid arguments, Mr. Mishra, learned Advocate for the petitioners submits that it would be advisable that the parties sit across the table and negotiate for a one time settlement or any other mutually agreed arrangement.

Considering this, this Court deems it appropriate to refer the matter to the court below for the needful.

Should the petitioner surrender before the court



below within a period of four weeks, he shall be released on provisional bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount. Simultaneously, notice shall be issued to the opposite party no. 2 and on her appearance the court shall provide opportunity to the parties for a one time settlement which would take care of the financial needs of the opposite party no. 2. Should the stand of the petitioner be found to be unreasonable, the court below shall take that into account in passing a final order regarding confirmation of the provisional bail of the petitioner. Similar would be the situation, if the stand of the opposite party no. 2 is found to be unreasonable.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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