

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17304 of 2022

In
CRIMINAL MISCELLANEOUS No.8939 of 2020

Arising Out of PS. Case No.-1517 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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MANOJ KUMAR PASWAN Son of Late Ambika Paswan R/o Mohalla -
Madhopur (Krishnapuri), P.S.- Kotwali, District - Munge

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shivani Kumari Wife of Manoj Kumar Paswan D/o Kailash Paswan, R/o
Akbar Nagar, District - Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-04-2022 Heard the learned Advocate for the petitioner and the

learned APP.

The petitioner seeks modification of the order dated
06.12.2021 passed in Cr. Misc. No. 8939 of 2020. This is an
application seeking extension of time for the petitioner to
surrender before the court below so that the process of mediation
could be initiated by him.

Vide order dated 06.12.2021, the petitioner was directed
to surrender before the court below within a period of three
weeks.

However, for reasons which have been explained in this
application he could not surrender within the stipulated time.



As such, the prayer made on behalf of the petitioner is allowed.

The order stands modified to the extent that if the petitioner surrenders before the court below within a period of four weeks from today he shall be released on provisional bail.

While granting provisional bail to the petitioner, his wife/opposite party no. 2 viz. Shivani Kumari simultaneously shall be noticed. On the appearance of the opposite party no. 2, the court below shall provide ample opportunities to the spouses/parties to negotiate and settle the differences in an amicable manner. The parties would also be at liberty to go for a one time settlement if restitution of conjugal rights does not appear to be possible. If the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. If at all the court finds that the conduct/stand of the parties is obstructive and unreasonable that shall be taken into account for passing a final order of confirmation of provisional bail.

With the aforesaid modification, the application stands allowed.

(Ashutosh Kumar, J)

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