

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50691 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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HANSHRAJ SINGH, Son of Ram Dhyan Singh Resident of Village -
Tiyaraghat, P.S.- Bhabhua, District - Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitya Kumari, Wife of Hanshraj Singh Daughter of Bijay Bahadur Singh, at
present resides at Village - Mishrawalia, P.S.- Mohania, District - Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 11-01-2022 Heard Mr. Arbind Nath Pandey, learned counsel

for the petitioner and Mr. Tribhuan Narayan, learned

Counsel for the Opposite Party No. 2. The State is

represented by Mr. Satyendra Naryan Singh.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 148 of

2019, in which cognizance has been taken under Section

498A of the Indian Penal Code.

The accusation against the petitioner is of

neglecting his wife and of having married another lady



during the subsistence of his marriage with the opposite party no. 2.

The aforesaid accusation is based on a documentary evidence, namely, the service record of the petitioner where he has named one Soni Kumari as his nominee.

The learned advocate for the petitioner has submitted that the accusation is absolutely false. He had named his mother as one of his nominees. However, after having said that, the counsel for the petitioners has submitted that the petitioner is ever ready to negotiate with opposite party 2 for setting the matrimonial dispute for either resumption of matrimonial life or for a one time settlement or any other terms and conditions to which Opposite Party No. 2 is agreeable. He also assures this Court that he shall participate in the maintenance case unless the dispute stands completely resolved.

The learned counsel appearing for opposite



party no. 2, however, has raised objection that such plea has only been taken for the purposes of obtaining anticipatory bail. He further submits that had it not been the case, the matter would have been resolved in the Mediation Centre of Patna High Court.

The report of the Mediator would indicate that the efforts of settling the dispute came a cropper.

However, Mr. Narayan, learned Advocate for Opposite Party No. 2, in the last, submitted that if the petitioner is ready for giving it another try, the Opposite Party No. 2 shall have no objection, provided reasonable terms are offered by him and he also participates in the Maintenance Case in which the notice has been sent to him.

After having heard the counsel of the parties, this Court deems it appropriate to allow the parties to sit across the table for settling their dispute once again but only under the supervision of the court below.

It is, therefore, directed that in the event of the



petitioner surrendering before the court below within a period of four weeks, he shall be released on provisional bail and simultaneously notice shall be issued to party no. 2.

On appearance of Opposite Party No. 2, the court below shall ensure that the parties get ample opportunity of negotiating and settling their matrimonial discord in an amicable manner.

The parties could either agree for resumption of matrimonial life with all the rights and privileges being given to Opposite Party No. 2 as the legally wedded wife or for any other terms including one time settlement or monthly maintenance or whatever, subject to the consent and approval of Opposite Party No. 2.

If the issues are resolved, the provisional bail granted to the petitioner shall be confirmed.

In case of non-resolution of the matrimonial dispute, the Court shall take in account the respective standpoint of the parties namely whether their stand was



reasonable during the negotiations and that shall be taken into account while passing a final order with respect to confirmation of provisional bail to the petitioner.

The petition stand disposed off with the aforesaid direction.

(Ashutosh Kumar, J)

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