

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43267 of 2022**

Arising Out of PS. Case No.-1559 Year-2021 Thana- BEGUSARAI COMPLAINT CASE  
District- Begusarai

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TIRUPATI MAHTO S/o Rambharosh Mahto R/o village- Nagdah, Ward No. 11, P.S.- Muffasil (Singhoul O.P.), District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Usha Kumari W/o Tirupati Mahto, D/o Bino Mahto R/o village- Tetri, Sohalpur, P.S.- Dandari, District- Begusarai

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

7      22-05-2023              Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by the office when called upon.

Petitioner apprehends his arrest in connection with Compliant Case No. 1559C of 2021, instituted for the offence under Section(s) 498(A), 323, 307 of the Indian Penal Code (for brevity 'IPC') but cognizance has been taken under Sections(s) 323, 341, 504, 498(A) of the IPC.

Learned counsel for the petitioner submits that petitioner



is willing to reconcile the issue with his wife. It is further submitted that the petitioner will make all genuine efforts to reconcile the issue so that the reconciliation culminates in restoration of matrimonial harmony or one time settlement as may be agreed upon between the petitioner and the opposite party No. 2.

Learned counsel for the Opposite Party No. 2 does not object to such proposal as long as amicable settlement is reached between the parties. It is further submitted that the petitioner be put to strict terms.

In view of the nature of allegation, the fact that since terms of reconciliation has to be worked out, this Court would direct that if the petitioner surrenders in the court below, i.e., the court of learned Judicial Magistrate, 1<sup>st</sup> Class Begusarai, within a period of four weeks from today, in connection with Compliant case No. 1559C of 2021, and submits an undertaking to this effect at the time of his surrender, the court below, after issuing notice to Opposite party No. 2 will grant provisional bail to the petitioner for a period of three months. The parties would make attempt to work out an amiable resolution of the dispute and the matter would be reviewed by the court below after three (3) months . This Court makes it clear that if the issue is



resolved amicably, the provisional bail granted to the petitioner should be confirmed. If the developments are, however otherwise, the court below would be free to pass orders in exercise of its judicial discretion, including cancellation of the provisional bail granted to the petitioner.

With the aforesaid observations the application stands disposed of.

**(Madhuresh Prasad, J)**

Raj kishore/-

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