

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43 of 2023

Arising Out of PS. Case No.-55 Year-2019 Thana- MAHILA P.S. District- Munger

BISHUJEET KUMAR @ VISHWAJEET SAO S/o Late Kailash Saw @ Late
Kailu Sao R/o Village- Mednichawki P.S.- Mednichawki, Distt- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chanda Devi, W/o Vishujeet Kumar @ Vishwajeet Sao, D/o Krishananand
Sao @ Karelal Sao R/o Bauk Tola Farda, P.S.- Naya Ram Nagar, Distt-
Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Diwakar Sinha, Advocate
For the State	:	Ms. Shaheen Begum, APP
For Opposite Party No.2	:	Mr. Deep Nishi, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 4 23-05-2023 Heard learned counsel for the petitioner and learned APP
for the State as well as learned counsel for the opposite party no.
2.

Petitioner apprehends his arrest in connection with
Mahila P.S. Case No. 55 of 2019, instituted for the offence
under Sections 498A, 494 and 504 of the Indian Penal Code (for
brevity 'IPC') and Section 3/4 of Dowry Prohibition Act (for
brevity 'D.P. Act').

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 long period of subsisting marriage between the parties and 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 Sub-Divisional Judicial Magistrate, Munger, within a period of four weeks from today, in connection with Mahila P.S. Case No. 55 of 2019, 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)

Shashank/
gaurav.s-

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