

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28050 of 2015

Arising out of PS.Case No. -923 Year- 2013 Thana -SIWAN COMPLAINT CASE District- SIWAN

=====

Faruque Abdullah, Son of Mohammad Abdullah @ Abdullah, Resident of Village Lar, P.S. Lar, District Deoria, Uttar Pradesh.

.... Petitioner

Versus

1. The State of Bihar.
2. Asgari Khatoon, Wife of Farookh Abdulla, Daughter of Haider Ali, Resident of Village Lar, P.S. Lar, District Deoria, Uttar Pradesh. At present R/o Sultanpur Takiya, P.S. Andar, District Siwan.

.... Opposite Parties

=====

Appearance :

For the Petitioner : Smt. Madhuri Lata, Advocate
For the State : Shri Kr. Virendra Narayan, APP

=====

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 22-07-2015

Heard.

Let the petitioner surrender and pray for regular bail before the learned S.D.J.M., Siwan in connection with Complaint Case No. 923 of 2013. The marriage between the spouses was solemnized in 2012 and the allegation is that after six months of the marriage, the lady was asked to bring Rs. 1,00,000/- from her father and not fulfilling that demand of the petitioner had resulted in the lady being turned out of her matrimonial house. The learned Sessions Judge, Siwan has noted down these facts in his rejection order.

However, Smt. Madhuri Lata, the learned counsel appearing on behalf of the petitioner has submitted that the lady was too sensitive to adjust in the family of the petitioner and on trifling matters she was threatening of ending her life so as to put

the petitioner and his family members in trouble and this was the reason that the petitioner was always fearful of the lady.

These facts may not be true or may also be. As such, the court directs the learned S.D.J.M., Siwan to issue notice to the wife on the address given by her in the complaint petition through the process of the court as also through the Officer-in-Charge of the police station within whose jurisdiction the lady is residing presently. The learned S.D.J.M., Siwan may draw an order in the light of the present order of the Court and show that order to the counsel representing the lady in his court and request him to inform the lady to appear on the date fixed by him in respect of which the notices have been directed to be issued. On appearance of the lady before him, the learned S.D.J.M., Siwan shall talk to the lady and the petitioner jointly as also separately in his Chambers and shall confront the parties with the facts which could be brought into his knowledge by the spouses so as to reaching the conclusion as to what was the reason for the strained relationship between the spouses. The learned S.D.J.M., Siwan shall then point out to the parties the necessity of joining each other so as to leading a peaceful and happy married life. This Court does not think that the lady is as sensitive as submitted by Smt. Madhuri Lata but assuming that the lady may be such as was submitted before me, I hereby request the learned S.D.J.M., Siwan to put this fact also into her ears that reacting to trifle matters and

similar things may not be conducive to a happy married life for any couple and marriage is the best example of reconciling to the situations which might be adverse to persons. It is an institution where compromise with the circumstances which appear new to the couple is the way which lead to peace and prosperity. If these facts are pointed out to the couple, the Court believes that the learned S.D.J.M., Siwan shall succeed in striking the reconciliation between the parties. If the learned court below succeeds in achieving reconciliation between the parties then he shall admit the petitioner to bail permanently. On appearance of the petitioner, the learned S.D.J.M., Siwan shall indeed admit him to bail but accept the bond provisionally which shall be extended till the reconciliation proceedings are brought to a close. This Court believes that the exercise which is being handed over to the learned S.D.J.M., Siwan may take sometime and if need be, the learned S.D.J.M., Siwan shall be free to adjourn the hearing during reconciliation proceedings and the extension of bond shall be the part of such adjournment.

With the above observations, this petition stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

U		T	
---	--	---	--