

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35275 of 2014

Arising Out of PS.Case No. -88 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Najrul Haque @ Md. Najbul, Son of Md. Alauddin, Resident of Village
Sofichak, Marghiya, P.S. Barari, District Katihar.

.... Petitioner

Versus

State of Bihar & Anr

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 11-02-2015

Heard.

The petitioner is the husband and has been
summoned on a petition of complaint for allegedly committing an
offence under Section 498 etc. of the Indian Penal Code.

The submission on behalf of the petitioner is that
he is ready to take the lady back to his familyfold and the court
should hear it with all respect and kindness.

This Court has not chosen to go into the merits of
the allegations appreciating the fact that in most of the cases, it
could be incompatibility of the spouses which generally is within
the root of filing all such petitions of complaint. The Court feels
that it is better that the petitioner appear before the court below
and file a petition expressing his intention that he is ready to take
the lady back to his familyfold. The court below shall admit the

petitioner to bail after furnishing a bond to its own satisfaction and shall fix a date by issuing a notice to the lady both by general process of *Nazarat* as also through the police station within whose jurisdiction the lady may be residing. That address shall be pointed out by the petitioner very clearly in his petition.

On appearance of the lady before it, the S.D.J.M., Katihar shall proceed to talk to the parties jointly as also separately in confidence in his chambers so as to finding out as to what were the knots appearing in the relationship and shall try to reconcile the parties to their marital status so as to making an effort in bringing the marriage back on its track. If need be, the court below shall be free to adjourn the hearing to yet another date or as many dates as felt desirable to make a serious attempt of reconciliation between the parties and if it was found that the lady was taking a very difficult position and was placing some most unreasonable conditions then it shall proceed to admit the petitioner to bail permanently. In case the petitioner appears taking a difficult position and further appears putting up any unreasonable condition, his bail-bond shall be cancelled and he shall be remanded to custody.

With the above directions, this petition stands disposed of.

In case of the parties having reconciled and the court is satisfied in due course of time that they have amicably settled down again as married couple then the court shall try to dispose of the case on compromise.

(Dharnidhar Jha, J.)

Sanjay/-

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