

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60540 of 2018

Arising Out of PS.Case No. -632 Year- 2017 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Anwar Alam S/o Idrish Gaddi, R/o Vill.- Laukkaria, P.S.- Yogapatti,
District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Hasina Khatoon W/o Anwar Alam D/o Kalam Gaddi, R/o Vill.- Gadiyani
Tola, P.S.- Nadhi Thana, District- West Champaran.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Adv.
Mr. Dhananjay Kumar, Adv.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

2 06-10-2018 Heard the parties.

Petitioner apprehends his arrest in connection with
Complaint Case No. 632-C/2017 in which cognizance has been
taken for the offences punishable under Sections 323, 498-A, 504
of the Indian Penal Code and ¾ of D.P. Act.

At the very outset, learned counsel for the petitioner as
well as learned counsel appearing for opposite party no. 2 submit
that petitioner and opposite party no. 2 are ready to lead their
conjugal life and, therefore, this matter be sent to Mediation
Centre.

Petitioner happens to be husband of opposite party no. 2



and when both parties are ready to lead their conjugal life with each others, in my view, this matter should be sent to learned Additional Chief Judicial Magistrate, 2nd Bagaha, West Champaran with direction to him to explore the possibility of resolving the dispute of the parties within four months from the date of receipt/production of a copy of this order and furthermore, both parties are directed to appear before the learned Additional Chief Judicial Magistrate, 2nd Bagaha, West Champaran on 31.10.2018.

It is made clear that if petitioner appears before the Court below on the above stated date or prior to the above stated date, the learned Additional Chief Judicial Magistrate, 2nd Bagaha, West Champaran shall release the petitioner on bail provisionally for the period of four months after execution of bail bonds of rupees ten thousand with two sureties of the like amount each to the satisfaction of concerned Court. It is also made clear that if the learned Additional Chief Judicial Magistrate, 2nd Bagaha, West Champaran succeeds in resolving the dispute of the parties, the provisional bail shall be confirmed by the learned Additional Chief Judicial Magistrate, 2nd Bagaha, West Champaran / concerned court but if the concerned court fails in his attempt of resolving the dispute of the parties due to non-cooperative and



rigid approach of the petitioner, the provisional bail granted to the petitioner shall not be confirmed by the concerned court and in that event, the concerned court shall take the petitioner in judicial custody. It goes without saying that if the concerned court fails in his attempt of resolving the dispute of the parties due to non co-operative and rigid approach of opposite party no. 2, the provisional bail granted to the petitioner shall be confirmed by the learned court below itself.

In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

SHAHZAD/-Rajeev

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