

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40877 of 2019

Arising Out of PS. Case No.-52 Year-2016 Thana- MAHILA PS District- Katihar

MD. ALAMGIR Son of Md. Israfil Resident of Hathiya Diyara, P.S.- Katihar
(Muffasil), District - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 31-07-2019

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Mahila P.S. Case No. 52 of 2016**, instituted for the offence under Section(s) 498A, 494, 379, 506/34 of Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Counsel for the petitioner submits that earlier the petitioner was granted provisional anticipatory bail by coordinate Bench of this Court vide order dated 16.2.2017 passed in Cr. Misc. 37689 of 2016, but the bail bonds of the petitioner was cancelled as he did not comply the condition of the aforesaid bail order. He is in custody since 5.4.2019. Counsel for the petitioner further submits that petitioner is ready to keep the informant (wife) with full honour and dignity but she is not ready to live with him.

Counsel for the informant submits that petitioner has performed another marriage. He does not want to live with the



informant and wants one time settlement.

Counsel for the petitioner is ready for one time settlement.

In such circumstances, the application is disposed off with direction to the court below to release the petitioner above named, on provisional bail for a period of six months from the date of receipt of this order, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Sub Divisional Judicial Magistrate, Katihar**, in connection with **Mahila P.S. Case No. 52 of 2016**, subject to the condition that both the bailors will be close relatives of the petitioner.

In the meantime, the court below will send the matter in the Mediation Centre for reconciliation with direction to both parties to appear before the Mediation Centre. In the event, the reconciliation failed and dispute between husband and wife is not settled for no fault of petitioner, the provisional bail granted to the petitioner shall be confirmed. However, in the event, the reconciliation fails on account of laches and non-cooperation of petitioner, the bail bond of the petitioner will be cancelled.

(Sanjay Priya, J)

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