

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42195 of 2019

Arising Out of PS Case No.-78 Year-2019 Thana- KORHA District- Katihar

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Md. Asfak @ Asfak Alam, aged about 24 years (Male), Son of Manjur Alam,
Resident of Sonbarsa, PS-Korha, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Muslema Khatoon, aged about 21 years (Female) Wife of Md. Asfak @
Asfak Alam, Daughter of Habibul Rahman, Resident of Village-Raksi, PS-
Korha, District-Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-11-2019

Heard learned counsel for the petitioner; learned APP for
the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends arrest in connection with
Korha PS Case No. 78 of 2019 dated 02.03.2019 instituted under
Sections 323/498A/313/504 and 506/34 of the Indian Penal Code.



3. Earlier by order dated 12.07.2019, the Court had granted provisional bail to the petitioner while sending the matter to Mediation.

4. The learned Mediator had initially submitted an interim report on 05.10.2019 asking for some more time and finally he has submitted report on 21.10.2019 stating that inspite of best and sincere efforts the dispute between the parties could not be resolved through the process of Mediation, which has failed.

5. Having regard to the aforesaid, learned counsel for the petitioner was called upon to address on merits. He submitted that the petitioner is ready to keep the opposite party no. 2.

6. Learned counsel for the opposite party no. 2 submitted that the petitioner's intention is not clean as the terms of the settlement during the Mediation was not accepted by the petitioner. It is further submitted that earlier the petitioner had assaulted the wife leading to abortion.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.



9. The provisional bail granted earlier by order dated 12.07.2019, stands withdrawn. The petitioner shall surrender before the Court below forthwith.

(Ahsanuddin Amanullah, J.)

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