

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53065 of 2019

Arising Out of PS. Case No.-684 Year-2017 Thana- COMPLAINT CASE District- Araria

Shahjahan @ Md. Shahjahan, aged about 30 years, Male, Son of Md. Khalid,
Resident of Village – Birnagar, East Tola Chharapatti, Police Station -
Bhargama, District - Araria.

... .. Petitioner

Versus

1. The State Of Bihar
2. Bibi Najrana Khatoon, aged about 23 years, Female, Daughter of Md. Ainul,
Wife of Shahjahan @ Md. Shahjahan, Resident of Village-Akardhopa,
Police Station-Bhargama, District-Araria.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Parties : Mr. Humayou Ahmad Khan, A.P.P.

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

ORAL ORDER

3 16-11-2019 Heard the parties.

Learned counsel of the petitioner submits that the petitioner is ready to keep the complainant with full honour and dignity and similarly, learned counsel appearing for opposite party no. 2 submits that opposite party no. 2 also wants to lead her conjugal life with the petitioner.

However, both the parties are agreed on this point that the dispute of the parties be referred for mediation.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands disposed of with direction to the petitioner and opposite party no. 2 to appear in person before the court of learned Sub



Divisional Judicial Magistrate, Araria in connection with Complaint Case No. 684C of 2017 on 12.12.2019 and if both the parties do so, the learned Sub Divisional Judicial Magistrate, Araria shall explore the possibility of reconciliation after releasing the petitioner on provisional bail on furnishing bail bonds of Rs. 10,000/- for the period of three months and shall complete the process of reconciliation within three months.

However, it is made clear that if the conciliation fails due to rigid approach of opposite party no. 2, the Sub Divisional Judicial Magistrate, Araria shall confirm the provisional bail granted to the petitioner but if conciliation fails due to rigid and non-cooperative approach of the petitioner, the provisional bail granted to the petitioner shall not be confirmed and in that event, petitioner shall be taken into custody and if he seeks regular bail, the learned Sub Divisional Judicial Magistrate, Araria shall pass order on bail prayer of the petitioner on merit without being prejudiced by this order.

It is needless to say that if conciliation succeeds, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

Rajeev Kumar/-

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