

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74299 of 2019

Arising Out of PS. Case No.-99 Year-2019 Thana- BALIA BELON District- Katihar

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Md. Shamim, aged about 60 years, male, S/o Late Latif, Resident of Village -
Maria Sihpur, P.S. - Baliya Belon, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 11-12-2019 The petitioner, who is the father-in-law of the informant, seeks bail in anticipation of his arrest in connection with Baliya Belon P.S. Case No. 99 of 2019, dated 01.09.2019, instituted for the offences under Sections 147, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

According to the accusation in the F.I.R., the informant had fought with his wife because of her bad



conduct. In order to settle the dispute between the spouses, a *Panchayati* was held in which the petitioner, as father-in-law, had also participated. Some of the persons who were supposed to mediate between the spouses became angry and assault was perpetrated upon the informant and his brother. There is specific accusation against the petitioner of having stabbed the brother of the informant. There are three grievous injuries on the person of the victim, who is the brother of the informant, which is attributable squarely to the petitioner.

Considering the aforementioned aspects of the matter, this Court is not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is, accordingly, rejected.

However, on the submission made on behalf of the petitioner by Mr. Bhola Prasad, the learned Advocate, that there is every possibility of settlement between the parties because the petitioner in his capacity as father-in-law would also like that his daughter is properly settled in her



matrimonial home, this Court directs that if the petitioner surrenders before the Court below and seeks bail, the Court below shall take into account all aspects of the matter including the matrimonial dispute between the informant and his wife, who is the daughter of the petitioner, and shall pass orders in accordance with law without being prejudiced by the fact that present application has not been entertained by this Court. The Court below shall also ensure that peace is restored in the family of the informant and a settlement is arrived at between the parties. In case any settlement is arrived at between the spouses and the informant chooses not to prosecute the petitioner any further, this aspect also shall be taken into account while disposing off the bail petition of the petitioner.

With the aforesaid observation/direction, the application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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