

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7676 of 2020

Arising Out of PS. Case No.-1581 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MD SHAMSHER ALAM Son of Md Shamshul Haque Resident of Village-
Sahebganj Nava Nagar, Nijamat, Police Station - Sahebganj, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Arju Parveen Wife of Md Shamsher Alam Resident of Village - Sahebganj
Nav Nagar, Police Station - Sahebganj, District - Muzaffarpur, at present
Resident of Village - Nakched Tola (Behind Masjid), Ward No 2, Police
Station - Town Motihari, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Mazharul Hassan, Advocate
For the S t a t e	:	Mr Narsingh Tanti, APP
For the Complainant	:	Mr Anil Kumar, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-07-2020 As of now, the Courts have not resumed normal
physical hearing. The matter has been listed today for
consideration through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard learned counsel for the petitioner, complainant
and the learned APP for the State.

Petitioner apprehends arrest in connection with



Complaint Case No C - 1581 of 2018 dated 04.08.2018 instituted for the offence punishable under Sections 323, 498A, 494, 406, 420, 504/34 of Indian Penal Code and Sections 3/4 of Dowry Prohibition Act in which cognizance has been taken under Section 498A of Indian Penal Code and Sections $\frac{3}{4}$ of Dowry Prohibition Act.

Petitioner is husband of the complainant. Complainant has made allegations of cruelty and that the petitioner has taken some money and kept her belongings and there is allegation that she has also been deserted by the petitioner.

Petitioner's counsel submits that the petitioner is willing to keep the complainant with full honour and dignity.

Without going into the merits of the matter, this Court would direct the petitioner to surrender before the Court below within eight weeks from today.

In the event, the petitioner surrenders, the Court below shall enlarge the petitioner on provisional bail, to its own satisfaction, for a period of three months.

The petitioner and the complainant would have the opportunity to work out an amicable resolution of the issue. If an amicable resolution is worked out within the three months'



period, petitioner would be entitled to confirmation of his provisional bail.

If, on the other hand, the issue is not resolved between the parties, the Court below, needless to say, would be well within its jurisdiction to exercise its judicial discretion and pass appropriate order which may include cancellation of the petitioner's provisional bail.

This application stands disposed of in the aforesaid terms.

(Madhuresh Prasad, J)

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