

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18961 of 2020

Arising Out of PS. Case No.-1223 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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MD. MUMTAZ S/o Abdul Rahman Resident of Village- Adhloam, P.S.-
Bahera, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jahida Khatoon, W/o Md. Mumtaz Resident of Village- Adhloam, P.S.-
Bahera, Distt- Darbhanga, at present D/o - Late Md. Rafique, Resident of
Village- Taraiti, P.S.- Manigachi, Distt- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-10-2020 Heard Mr. Rajesh Kumar, learned counsel for

the petitioner and Mr. Md. Aslam Ansari, learned APP for

the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 1223 of

2018 in which cognizance has been taken under Sections

323, 324, 341, 379, 490(A), 504 and 506 of the Indian

Penal Code and Sections 3 and 4 of the Dowry

Prohibition Act, 1961.

On 20.07.2020, this Court had directed for



issuance of notice to Opposite Party No. 2 subject to the deposit of the requisites by the petitioner. The petitioner was granted provisional bail in the meanwhile.

Today, learned counsel for the petitioner submits that for some reason or the other, requisites for issuance of notice could not be filed by the petitioner.

In that view of the matter, this Court disposes of this bail petition with a direction that in case the petitioner surrenders before the court below within a period of eight weeks from today and expresses his willingness to bring back the complainant / Opposite Party No. 2 to her matrimonial home, he shall be released on provisional bail. The Opposite Party No. 2 shall be noticed and on her appearance, the court below shall explore the possibility of settlement of the matrimonial dispute.

If the Opposite Party No. 2 is willing to go with the petitioner to join the matrimonial fold, the provisional bail of the petitioner shall be confirmed. If for



no apparent / plausible reason, Opposite Party No. 2
refuses to join the matrimonial fold, that should also be
taken into account by the Court while passing an order
of confirmation of provisional bail.

With the aforesaid observation / direction, this
petition stands disposed off.

(Ashutosh Kumar, J)

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