

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26977 of 2020

Arising Out of PS. Case No.-903 Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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GULAM MURTAZ @ GOLAM MURTAJO @ GULAM MURTAZA S/o
Majebul Rehman Resident of Village- Lohagaachdi @ Lohagachhi, P.S.-
Chakuliya, District-North Dinazpur (West Benagal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rehana @ Rehana Khatoon W/o Gulam Murtaz @ Golam Murtajo @
Gulam Murtaza, D/o Abdul Rehman Resident of Village-Lohagaachdi @
Lohagachhi, P.S.-Chakuliya, District-North Dinazpur, (West Benagal)
presently residing at village Dilar Tola (Mahin Gaon) PS Kishanganj Dist
Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Adv.
For the Opposite Party/s : Mr. Parmanand Kumar APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-11-2020 As of now, the Courts have not resumed normal physical
hearing. The matter has been listed today for consideration
through Video Conferencing.

Learned counsel 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.

Mr. Parmanand Kumar, learned APP, is appearing as it is
submitted that the brief has been allotted to him by the office of
Advocate General. His name may also be printed in the cause



list.

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioner apprehends his arrest in connection with Complaint Case no. C-903 of 2018 instituted for the offence under Section 498A of the Indian Penal Code.

The allegation is made by the wife of the petitioner.

Learned counsel for the petitioner submits that he is willing to reconcile the issue with his wife and to live with her. Counsel for the petitioner further submits that the petitioner will make all genuine efforts to reconcile the issue so that the conciliation culminates in restoration of matrimonial harmony or one time settlement as may be agreed upon between the petitioner and the complainant.

Learned counsel for the State does not object to such proposals as long as amicable settlement is reached between the parties.

In view of the said submissions, since terms of



reconciliation has to be worked out, this Court would direct that if the petitioner, above named, surrenders in the Court below i.e. the Court of learned S.D.J.M., Kishanganj, within a period of four (04) weeks from today, in connection with Complaint Case No. C-903 of 2018, and submits an undertaking to this effect at the time of his surrender, the Court below, after issuing notice to opposite party no.2 (wife), may grant provisional bail to the petitioner for a period of three (03) months to its own satisfaction. The parties would make attempt to work out an amicable resolution of the dispute and the matter would be reviewed by the court below after three months. The Court makes it clear that if the issue is resolved amicably, the provisional bail granted to the petitioner may be confirmed. If the developments are, however, otherwise, the Court below would be free to pass orders in exercise of its judicial discretion, including cancellation of the provisional bail granted to the petitioner.

With the aforesaid observations the application stands disposed off.

(Madhuresh Prasad, J)

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