

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65914 of 2019**

Arising Out of PS. Case No.-1267 Year-2016 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

MD. AURANGJEB Son of Md. Sheeraz Resident of Village - Jhandapur,
Sheikhtola, P.O. - Jhandapur, P.S.- Bihpur, Distt - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Bibi Hema Khatoon Wife of Md. Aurangjeb, D/o Md. Shakeel, Resident of
Mohalla - Sahebganj, P.S.- University, Distt - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Parmanand Kumar, APP
For the O.P. No. 2	:	Mr. Nazmul Hoda, Advocate

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

ORAL ORDER

3 17-06-2020 Heard Mr. Abhay Kumar Sinha, learned counsel

appearing for the petitioner, Mr. Parmanand Kumar, learned

Additional Public Prosecutor for the State and Mr. Nazmul

Hoda, learned counsel for opposite party No. 2 through video

conferencing.

Petitioner apprehends his arrest in connection with

Complaint Case No. 1267/2016 registered for the offences

punishable under Sections 323, 341, 498A of the Indian Penal

Code and Section 4 of Dowry Prohibition Act.

Petitioner happens to be the husband of opposite

party No. 2 and he was granted provisional bail by a co-



ordinate Bench of this Court vide order dated 4.11.2019 as the dispute of the parties was to be referred to the Mediation Centre, Patna High Court, Patna. Accordingly, the dispute of the parties was referred to the Mediation Centre, Patna High Court, Patna, and the learned Mediator, after due deliberation with parties, came to conclusion that the dispute of the parties could not be resolved.

Learned counsel appearing for petitioner submits that the petitioner wants to keep the opposite party no. 2 with him with full honour and dignity and it is opposite party No. 2, who does not want to lead her conjugal life with the petitioner.

On the other hand, learned counsel appearing for opposite party No. 2 submits that petitioner used to torture and misbehave with opposite party no. 2 and that is the reason, the opposite party No. 2 does not want to lead her conjugal life with petitioner.

In view of the aforesaid submissions, this anticipatory bail application stands disposed of with direction to the Sub Divisional Judicial Magistrate, Bhagalpur/ concerned court to procure the attendance of petitioner and opposite party No. 2 in connection with Complaint Case No.



1267 of 2016 when the concerned court starts function physically. Furthermore, the concerned court shall explore the possibilities of reconciliation of the dispute of the parties even by way of one time settlement.

The above stated reconciliation proceeding shall be concluded within three months from the date of appearance of the parties before the concerned court. Furthermore, the concerned court shall take notice of the attitude and behaviour of the parties during reconciliation proceeding and may record his findings on the attitude and behaviour of the parties.

It is made clear that till completion of the reconciliation proceeding, the petitioner shall be entitled to enjoy the privilege of provisional bail, which has been granted to him vide order dated 4.11.2019. It is needless to say that if the reconciliation proceeding fails due to rigid and non cooperative approach of the petitioner, the concerned court shall be competent to cancel the provisional bail of petitioner. However, the regular bail of the petitioner shall be decided on its own merit. Furthermore, it is also needless to say that if reconciliation proceeding fails due to rigid and non cooperative approach of the opposite party No. 2, the concerned court shall be competent to confirm the provisional



bail granted to the petitioner or pass appropriate order on the provisional bail of the petitioner. It is also made clear that if the dispute of the parties is resolved, the concerned court shall record the statement of the parties and shall dispose of the case without awaiting for further evidence.

(Hemant Kumar Srivastava, J)

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