

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2005 of 2020

Arising Out of PS. Case No.-752 Year-2019 Thana- COMPLAINT CASE District- Araria

MD. AJAM, Son of Md. Alam Resident of Village - Muslim Tola, Bhargama,
Ward No.8, P.S.- Bhargama, Distt.- Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shabana Khatoon, D/o Md. Najir , W/o Md. Ajam Resident of Village -
Muslim Tola, Bhargama, Ward No.8, P.S.- Bhargama, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 25-10-2021 Heard Mr. Gopal Kumar Jha, learned advocate

for the petitioner and Mr. Sanjay Kumar Sharma,

learned counsel for Opposite Party No. 2. The State is

represented by Mr. Nand Kumar, learned APP.

The petitioner, who is the husband of Opposite

Party No. 2, seeks bail in anticipation of his arrest in

connection with Complaint Case No. 752C of 2019, in

which cognizance has been taken under Sections 323,

498A and 34 of the Indian Penal Code.

This matter was referred to the Mediation

Centre of Patna High Court for an amicable settlement



of the dispute but as ill luck would have it and also for the reasons of non-appearance of the petitioner, the mediation failed.

The learned advocate for the petitioner has drawn the attention of this Court to the fact that earlier, an agreement had been arrived at between the spouses under which the Opposite Party No. 2 was to be paid Rs. 1,61,000/- towards his matrimonial dues and which amount has already been paid. Notwithstanding the aforesaid agreement, the petitioner had become ready for negotiations before the Mediation Centre of Patna High Court.

The learned counsel Opposite Party No. 2, however, has stated that such consent of the petitioner for getting the matter referred to the Mediation Centre, Patna High Court was only a ploy to obtain anticipatory bail. Had the petitioner really intended to negotiate with Opposite Party No. 2, he would have appeared before the Mediation Centre.



The learned advocate for the petitioner, however, in response to the aforesaid submission on behalf of the informant has submitted that today again he is ready for a negotiated term for final settlement of the matrimonial dispute between him and his wife provided the factum of payment of Rs. 1,61,000/- earlier is taken into account before deciding about any further modality of settlement of disputes.

Considering the afore-stated background facts, this Court directs that in the event of the petitioner surrendering before the court below within a period of eight weeks, he shall be released on provisional bail, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria, in connection with Complaint Case No. 752C of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The court below shall issue notice to Opposite



Party No. 2 and on her appearance, shall provide the parties a reasonable opportunity of negotiating and settling the matrimonial disputes. The veracity of the statement regarding earlier payment of Rs. 1,61,000/- towards matrimonial dues to Opposite Party No. 2 shall also be verified and shall be taken into account in fixing the final settled amount between the parties.

Should the negotiation succeed, the provisional bail be confirmed. In the event of the negotiations failing, the court below shall take into account the stand/conduct of the parties before passing a final order regarding confirmation of provisional bail.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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