

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9110 of 2020

Arising Out of PS. Case No.-1806 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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MD. SAMIM @ MD. MERAJUDDIN @ MD. SHAMIM @ MERAJUDDIN
Son of Md. Sultan Resident of Village - Kawadih, P.S.- Patepur, District -
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Nagma Khatoon @ Soni Khatoon Wife of Md. Shamim @ Md. Merajuddin
@ Md. Samim Presently living with her Father Md. Alam at Village -
Harpur Lahauri (Dadar), P.S.- Ahiyapur, District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

Mr. Jai Prakash Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 06-12-2021 Heard Mr. Hari Kishore Thakur, learned
Advocate for the petitioner and Mr. Jai Prakash Verma
for the opposite party no. 2. The State is represented by
Mr. Md. Aslam Ansari, learned APP for the State.

The petitioner, who is the husband of opposite
party no. 2, seeks bail in anticipation of his arrest in
connection with Complaint Case No. 1806 of 2018 in
which cognizance has been taken under Sections 498(A)
of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

Mr. Thakur, learned Advocate for the petitioner
contends that for the last six months, opposite party no.



2 has been residing with him.

This statement has been controverted by Mr. Verma, learned Advocate appearing for opposite party no. 2, who has submitted that notwithstanding the factum of agreement for settlement of matrimonial dispute, the petitioner does not intend to keep opposite party no. 2 with him at Bombay where he works and normally resides.

In view of the contradictory statements made by the counsel for the parties, this Court deems it appropriate to refer the matter to the court below where the learned Judge would find out the correct state of affairs and shall pass orders in accordance with law.

The stand of the petitioner is very clear and unambiguous that he wishes to resolve the dispute with his wife. The same intention has been expressed by the wife of the petitioner. Only, the modalities of the settlement has to be decided.

In the event of the petitioner surrendering before the court below within a period of three 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 and simultaneously notice shall be issued. The parties shall be made to sit across the table and the differences between them shall be thrashed out.



In case an understanding is arrived at between the parties, that shall be drawn up into a memorandum of agreement and in that event the provisional bail granted to the petitioner shall be confirmed. In case it is found that because of the intransigence of the petitioner, effective settlement of dispute is not possible, that shall also be taken into account before passing a final order of confirmation of provisional bail of the petitioner.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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