

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9307 of 2020

Arising Out of PS. Case No.-73 Year-2018 Thana- MAHILA P.S. District- Rohtas

AFSAR ZEA @ AFSAR JIYA S/o Zeyaul Haque Resident to Shripur Arila Complex, Quarter No.4/16, P.S.- Jamuria, Distt- Bardaman (West Bengal) presently residing at Caparo Maruti Limited Plot No.7, Maruti Joint Venture Complex, P.S.- Sector- 18, Gurgaon, Haryana-122015

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mrs. Rabiya Bushra @ Heena D/o Ibrarul Haque Resident of Gulzarbagh, Near Eidgah, P.S. and P.O.- Bikramganj, Distt- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Khatim Reza, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP
		Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-12-2021 Heard Mr. Khatim Reza, learned Advocate for the petitioner and Mr. Upendra Kumar, 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 Mahila (Dehri) P.S. Case No. 73 of 2018 dated 07.09.2018 instituted for the offences under Sections 498(A), 406, 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.



The matter was initially referred to the Mediation Centre, Patna High Court, the proceedings of which has yet not commenced.

The records of this case is recalled from the Patna High Court Mediation Centre.

The petitioner maintains that he is, even today, ready for negotiation across the table for the purposes of resolution of the matrimonial dispute.

Considering the aforesaid stand of the petitioner, this Court deems it appropriate to direct that 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. Simultaneously, the opposite party no. 2 also shall be noticed. On the appearance of the opposite party no. 2, the court below shall provide ample opportunities to the spouses/parties to negotiate and settle the differences in an amicable manner. The parties



would also be at liberty to go for a one time settlement if restitution of conjugal rights does not appear to be possible. If the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. If at all the court finds that the conduct/stand of the parties is obstructive and unreasonable that shall be taken into account for passing a final order of confirmation of provisional bail.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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