

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13004 of 2020

Arising Out of PS. Case No.-181 Year-2018 Thana- JALE District- Darbhanga

Md. Umar, Son of Late Md. Shabbir @ Late Shabbir, Resident of Village-
Gorhaul Sharif, P.S.- Nanpur, Distt- Sitamadhi. Petitioner/s
Versus

1. The State of Bihar
2. Israt Praveen Md. Shafi Resident of Village- Kagibahera, P.S.- Jale, Distt- Darbhanga. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
Mr. Ravi Prakash
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-10-2021 Learned counsel on behalf of the petitioner, Mr. Gagan Deo Yadav and learned APP on behalf of the State are present.

No one appears on behalf of the Opposite Party No. 2 inspite of service of notice on Opposite Party No. 2 personally.

The petitioner seeks anticipatory bail for the alleged offence under Sections 341, 323, 498 (A), 504 and 506/34 of the Indian Penal Code arising out of Jale P.S. Case No. 181 of 2018 pending in the Court of learned A.C.J.M.- Ist, Darbhanga.

Learned counsel for the petitioner submits that vide order dated 04.03.2020, this Court had granted interim relief to the petitioner and prays that instead of keeping this petition pending before this Court, the matter be referred to the court of learned A.C.J.M.- Ist, Darbhanga.



Learned APP appearing on behalf of the State has no objection.

Briefly stated the allegations made in the F.I.R are that the informant got married with the petitioner in the year 2005. But after sometime, the members of the petitioner's family started demanding Rs. 20,000/- per month and on refusal, the accused person harassed.

It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has falsely been implicated in this case and he has specifically stated in Paragraph No. 12 that he is ready to keep his wife with full dignity and honor and he will never harass her.

Considering the facts and circumstances of the case and the submission made by the learned counsel for the petitioner as well as learned State counsel jointly that matter be referred to the Court of learned A.C.J.M.- Ist, Darbhanga. I am also of the view that in the interest of justice, let this matter be referred to the learned Court below above mentioned.

Considering the stand of the petitioner and State counsel, this Court directs that if the petitioner surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. The Court below shall



notice the O.P. No. 2 and on appearance of O.P. No. 2, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the Condition so that the O.P. No. 2 may return to her matrimonial home with full dignity.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of informant/O.P. No.2 deliberately choose not to settle the dispute without any reason.

If the conduct of the petitioner is found to be genuine his provisional bail shall be confirmed by the Court below on such conditions as contained in Section 438(2) Cr.P.C, 1973.

With the aforesaid observation/direction, the application stands disposed off.

(Purnendu Singh, J)

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