

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17684 of 2020

Arising Out of PS. Case No.-1941 Year-2018 Thana- COMPLAINT CASE District- Araria

MD CHUNNA S/o Alimuddin R/o village- Lalia Darsana Ward No. 9, P.S.-
Joki-Hat, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mehnaj Begam W/o Md. Chunna R/o village- Lalia Darsana, P.S.- Joki Hat,
D/o Late Jakir, R/o village- Diyari, Ward No. 7, P.S.- Araria, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-08-2021 Heard Mr. Nadimul Hasan, learned Advocate for

the petitioner and Mr. Md. Anbzarul Haque Sahara,

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. 1941 of 2018 in
which cognizance has been taken under Sections 498A
and 34 of the Indian Penal Code and Section 4 of the
Dowry Prohibition Act.

By order dated 19.08.2020, a Bench of this
Court had directed for issuance of notice to opposite



party no. 2 for which requisites had to be filed by the petitioner within a period of eight weeks. The petitioner also was given the interim protection from arrest.

It appears that the requisites for issuance of notice has not yet been filed.

In the first instance, this Court was inclined to reject the application for anticipatory bail on this ground alone. However, on insistence by the learned counsel for the petitioner that he shall furnish requisites shortly and because of the clear stand of the petitioner that he is ready to resume the matrimonial life with opposite party no. 2 provided she is agreeable for the same, this Court deems it appropriate to direct that in case the petitioner surrenders before the court below within a period of eight weeks from today, he shall be granted provisional bail and simultaneously notice shall be issued to the informant. On the appearance of the informant, the court will explore the possibilities of settlement and if the issues between the spouses are settled, the



provisional bail of the petitioner shall be confirmed. The provisional bail of the petitioner shall also be confirmed in the event of the informant showing an unreasonable attitude during the deliberations. If the conduct of the petitioner is not good, that should also be taken into account before confirming the provisional bail of the petitioner.

The petition stands disposed of.

(Ashutosh Kumar, J)

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