

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16455 of 2020

Arising Out of PS. Case No.-2522 Year-2018 Thana- COMPLAINT CASE District- Araria

MD. ASHFAQUE @ ASHFAQUE S/o Late Md. Hasebul @ Hasiburrahman
Resident of Village-Rangdaha, P.S.-Araria (Bairgachhi), District-Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Bibi Aluna W/o Md. Ashafaque, D/o Md. Suleman Resident of Village-Rangdaha, P.S.-Araria (Bairgachhi), District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-10-2021 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Complaint Case No.
2522C/2018 in which cognizance has been taken under
Section 498A of the Indian Penal Code and Section 4 of
the Dowry Prohibition Act.

At the outset, learned counsel for the petitioner
has submitted that he is not averse to the talks of
settlement with his wife/opposite party No. 2, provided
she is agreeable for the same. He also wants a



rapprochement and perhaps restitution of conjugal rights.

Considering the aforesaid stand of the petitioner, this Court directs that if he surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. While granting provisional bail to the petitioner, his wife (opposite party No. 2) shall be noticed and on her appearance, 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 modality of the return of opposite party No. 2 to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the opposite party No. 2 deliberately choosing not to settle the dispute without any appropriate cause.

If the conduct of the petitioner is found to be



genuine, his provisional bail shall be confirmed by the
Court below.

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

(Ashutosh Kumar, J)

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