

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22170 of 2020

Arising Out of PS. Case No.-129 Year-2019 Thana- RAUTARA District- Katihar

Md. Arif @ Md. Arif Shah, aged about 27 years, Male Son of Md. Noor Alam Shah, Resident of Village - Aaga Tola, Ranipatra, P.S.- Muffasil, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ishrat Praveen, Daughter of Mehtab Shah, Resident of Village - Rautara, P.S.- Rautara, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Advocate
For the Opposite Party No.2	:	Mr. Suresh Prasad Sah @ Baranwal, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 25-10-2021 Heard Mr. Amit Kumar Anand, learned counsel appearing for the petitioner, Mr. Suresh Prasad Sah @ Baranwal, learned counsel appearing for the opposite party no. 2 and learned counsel appearing for the State.

The petitioner seeks anticipatory bail for the alleged offence under Sections 406, 498A, 504 and 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act arising out of Rautara P.S. Case No. 129 of 2019 pending in the Court of learned Sub-Divisional Judicial Magistrate, Katihar.

After some arguments, learned counsel appearing for the petitioner and learned counsel appearing on behalf of the opposite party no. 2 wants for restitution of their conjugal life.

Considering the aforesaid stand of the petitioner and



opposite party no. 2, 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 opposite party no. 2. On appearance of opposite party 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 opposite party 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/opposite party 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.PC, 1973.

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

(Purnendu Singh, J.)

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