

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22718 of 2019

Arising Out of PS. Case No.-1125 Year-2018 Thana- COMPLAINT CASE District- Araria

MUSTAQUE AHMAD @ MUSTAQUE Son of Taslimuddin Resident of
Village - Chakai, P.s.- Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Bibi Mosrrat W/o Mustaque Ahmad, D/o Late Minhaz Alam Resident of
Village - Metan, P.s.- Tarabari, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Advocate Mr. Abhijeet Gautam, Advocate
For the Opposite Party/s	:	Ms. Dr. Indihar Kumari, APP Mr. Majid Mahboob Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

11 26-10-2021 Heard Mr. Pankaj Kumar Jha, learned Advocate
for the petitioner and Mr. Majid Mahboob Khan for the
opposite party no. 2. The State is represented by Ms.
Dr. Indihar Kumari, 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. 1125C/2018 in
which cognizance has been taken under Section 498A of
the Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

Learned counsel for the petitioner has
submitted that notwithstanding the existence of an
unresolved feud between the spouses, the petitioner is



ready for entering into a fresh round of negotiations with opposite party no. 2 provided she is agreeable for the same for a one time settlement of all her matrimonial dues.

Be it noted that the matter was sent to Patna High Court Mediation Centre for an amicable settlement of disputes. However, the dispute could not be resolved and the mediation failed. Per force, the case was referred to this Court for decision on merits.

Learned counsel appearing for opposite party no. 2 has informed this Court that the petitioner has solemnized another marriage during the subsistence of the present marriage and therefore any talk of resumption of matrimonial life may not be possible. However, the O.P. No. 2 is not averse to the idea of sitting across the table for negotiating for a one time settlement to set at rest all matrimonial disputes.

Considering the afore-noted stand of the parties, this Court deems it appropriate and directs that in case the petitioner surrenders before the court below with the same plea within a period of eight weeks, he shall be released on provisional bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount simultaneously, a notice shall be issued to O.P. No. 2 and on her appearance the



court below shall explore the possibilities of one time settlement. The court shall also ensure that the rights of O.P. No. 2 is well preserved. If the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. In the event of the dispute not being settled, the court below shall look at the respective stand of the parties before taking a final call regarding confirmation of the provisional bail of the petitioner.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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