

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30919 of 2020

Arising Out of PS. Case No.-47 Year-2020 Thana- BARACHATTI District- Sitamarhi

MD. BELAL S/O Md. Ataur Rahman R/o Village - Yadupatti, Ward No. -12,
P.S. - Nanpur, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Farhana Anjum W/O Md. Belal, D/O Md. Amirul haque R/o Village -
Yadupatti, Ward No. -12, P.S. - Nanpur, Dist. - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Mr. A.G.
For the O.P. No. 2	:	Ms. Madhubala Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-03-2021 Heard Mr. Santosh Kumar, learned counsel for

the petitioner and Ms. Madhubala Verma for the opposite

party no. 2. The State is represented by the learned

APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Bajpatti P.S. Case No. 47 of

2020 dated 05.02.2020 instituted for the offences under

Sections 341, 323, 498(A) and 34 of the Indian Penal

Code and Sections 3/4 of the Dowry Prohibition Act.

On 23.12.2020, on the assurance of the



petitioner that he shall bring back opposite party no. 2 to her matrimonial fold, notice was issued to O.P. No. 2 and provisional bail was granted to the petitioner.

Pursuant to the aforesaid notice Ms. Madhubala Verma, learned Advocate has appeared on behalf of O.P. No. 2. She has informed this Court that there has been a divorce between the spouses and therefore any talk of restoration of matrimonial life would be a futile exercise. However, the O.P. No. 2 is not averse to the idea of an amicable settlement in the alternative *i.e.* one time settlement between the spouses.

Mr. Santosh Kumar, learned counsel for the petitioner is also agreeable to such a proposal.

Considering the aforesaid submissions on behalf of the parties, this Court directs that in the event of the petitioner surrendering before the court below within a period of eight weeks, he shall be released on provisional bail and simultaneously notice shall be issued to O.P. No. 2. On the appearance of the parties/spouses the court



shall facilitate the talk between them with respect to one time settlement and once such an agreement is arrived at between the parties which is to their respective satisfaction, the provisional bail shall be confirmed but with the condition that the same will be cancelled in case of either of the parties reneging on their respective commitments/promises.

This exercise shall be completed within a period of three months from the date of passing of the order of provisional bail in the first instance.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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