

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31567 of 2020

Arising Out of PS. Case No.-289 Year-2019 Thana- JOKIHAT District- Araria

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Md. Kadir @ Kadir Alam Son of Md. Mansoor Resident of Village- Saifullah Tola, P.S.- Jokihat (Mahalgaon), District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Israil S/o- Md. Hussain Resident of Village- Islampur, Chatar, Bahar Tola, P.S. and District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazher Alam

For the Opposite Party/s : Mr. Gopal Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 26-10-2021 Heard Mr. Mazher Alam, learned counsel appearing for the petitioner, Mr. Gopal Kumar Jha, learned counsel appearing for the O.P. No. 2 and learned APP for the State.

The petitioner seeks anticipatory bail for the alleged offence under Sections 498A, 364/34 of the Indian Penal Code arising out of Jokihat P.S. Case No. 289 of 2019 pending in the Court of learned Chief Judicial Magistrate, Araria.

After some arguments, learned counsel appearing for the petitioner and learned counsel appearing on behalf of the O.P. No. 2 want for restitution of their conjugal life.

Considering the aforesaid stand of the petitioner and O.P. 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 O.P. No. 2. On appearance of the daughter of the O.P. 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 daughter of the O.P. No. 2 may return to her matrimonial life 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/O.P. 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.

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

(Purnendu Singh, J)

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