

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32359 of 2020

Arising Out of PS. Case No.-2028 Year-2017 Thana- COMPLAINT CASE District- Araria

SHAH ISTIYAK, S/o Shah Rakeeb R/o village- Madarganj, P.S.- Forbisganj
(Simraha), District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. BIBI MUSTRI, W/o Shah Haseeb, M/o Bibi Sabina R/o village- Saifganj,
P.O.- Parwaha, P.S.- Forbisganj, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-02-2021 Heard Mr. Nishant Kumar Sinha, learned
counsel for the petitioner and Mr. Ashok Kumar Singh,
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. 2028-C of 2017, in
which cognizance has been taken under Sections
498(A), 379 and 34 of the Indian Penal Code.

At the outset, learned counsel for the petitioner
has submitted that notwithstanding the differences with
his spouse, he is ready to enter into negotiations with



Opposite Party No. 2 and is also desirous of restoring his matrimonial life with her, provided she agrees for the same.

In that view of the matter, this Court disposes of this bail petition with a direction that in case the petitioner surrenders before the court below within a period of eight weeks from today and expresses his willingness to bring back the complainant / Opposite Party No. 2 to her matrimonial home, he shall be released on provisional bail.

The Opposite Party No. 2 shall be noticed and on her appearance, the court below shall explore the possibility of settlement of the matrimonial dispute.

If the Opposite Party No. 2 is willing to go with the petitioner to join the matrimonial fold, the provisional bail of the petitioner shall be confirmed.

If for no apparent / plausible reason, Opposite Party No. 2 refuses to join the matrimonial fold, that should also be taken into account by the Court while



passing an order of confirmation of provisional bail.

With the aforesaid observation / direction, this
petition stands disposed off.

(Ashutosh Kumar, J)

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