

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38554 of 2020

Arising Out of PS. Case No.-1882 Year-2019 Thana- COMPLAINT CASE District- Araria

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Mehraj @ Md. Mehraj, aged about 26 years, male, Son of Naushad, Resident of Village- Premnagar, Ward No.16, P.S.- Araria (RS), Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Umami @ Umami Khatoun, aged about 20 years, female, W/o Mehraj @ Md Mehraj, Daughter of Md. Zabbat, Resident of Village- Samda Rahmatganj (Purandaha), Ward No.5, P.S.- Araria, Distt.- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-04-2021 Heard Mr. Nafisuzzoha, learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 1882 of 2019 in which cognizance has been taken against him under Section 498A of the Indian Penal Code.

At the outset, learned counsel for the petitioner



has submitted that he is not averse to the talks of settlement with his wife/complainant/opposite party No. 2, provided she is agreeable for the same. He also wants a rapprochement and perhaps restitution of conjugal rights.

Considering the aforesaid stand of the petitioner, this Court directs that if he surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. While granting provisional bail to the petitioner, his wife (complainant/opposite party No. 2) shall be noticed and on her appearance, 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 modality of the return of the complainant/opposite party No. 2 to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the complainant/opposite party No. 2 deliberately choosing not to settle the dispute without any appropriate cause.

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.

(Ashutosh Kumar, J)

Praveen-II/-

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