

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44657 of 2019

Arising Out of PS. Case No.-181 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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ABDUL WARIS S/O Abdul Rahim @ Abdur Rahim R/O village- Sirajpur,
P.S.- Marauna, District- Supaul

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Asmati Begum @ Asmati Khatoon W/O Abdul Waris, D/O Abdul Kyum
R/O village- Mirzapur, P.S.- Marauna, District- Supaul. Presently residing at
village- Mahpatiya, P.S.- Bhaija, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the O.P. No. 2	:	Mr. Prafull Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 21-12-2021 Heard Mr. Saroj Kumar, learned Advocate for
the petitioner and Mr. Prafull Chandra Jha for the
opposite party no. 2. The State is represented by Mr.
Akhileshwar Dayal, 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 C.R. No. 181 of 2018/Tr. No. 4304 of
2018 in which cognizance has been taken under Section
498(A) of the Indian Penal Code.

The matter was referred to the mediation
centre for the resolution of the matrimonial dispute
between the spouses and the families but because of the
Pandemic closure, the mediation proces could not



commence.

A request has been made by the mediator to extend the time for such mediation.

However, this Court under the circumstances deems it appropriate that the records of this case be recalled from the mediation centre and the case be referred to the court below for an effective mediation between the parties under the aegis and supervision of the court.

The learned counsel for the petitioner has submitted that he is ready for settlement of all disputes be it for resumption of matrimonial life, allowing opposite party no. 2 to come and stay in the house where the petitioner resides, taking care of the children born out of the wedlock and any other issue which can be mutually agreed upon after negotiations.

Mr. Jha, learned counsel for the opposite party no. 2 is also desirous that such negotiations take place and the issues are resolved.

According to the instruction of Mr. Jha, opposite party no. 2 wishes to stay with the petitioner in his house along with her children as she has no other place to go, notwithstanding the fact that the petitioner is alleged to have married another lady.

Considering this stand of the parties, it is



directed that in case the petitioner surrenders before the court below within a period of six weeks he shall be released on provisional bail subject to the satisfaction of the court below. Simultaneously, the opposite party no. 2 shall be noticed. On her appearance, ample opportunity shall be provided to the parties for negotiating the terms of settlement. Any settlement has to be mutually acceptable terms. If the parties agree and decide to resolve the issue, the provisional bail granted to the petitioner shall be confirmed or else the law will take its own course.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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