

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5846 of 2021

Arising Out of PS. Case No.-73 Year-2019 Thana- SAHARSA COMPLAINT CASE District-
Saharsa

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MD. JAHANGIR, S/O MD. USMAN R/O VILLAGE-SONBARSA RAJ
WARD NO.01, P.S.-SONBARSA RAJ, DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-10-2021 Heard Mr. Binod Kumar Sinha, learned counsel

for the petitioner and Mr. Humayoun Ahmad Khan,

learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 73 C of

2019, in which cognizance has been taken under

Sections 498A and 34 of the Indian Penal Code.



The petitioner is the husband of Opposite Party No. 2 and is ready for settlement of matrimonial dispute, provided she is agreeable for the same.

Notwithstanding the differences with his spouse, the petitioner is even today ready for negotiations with his wife / Opposite Party No. 2 for settlement of matrimonial dispute and return of his wife to her matrimonial home and if the aforesaid proposal of the petitioner is not acceptable to her, he shall also not be averse to entering into negotiations for a one time settlement.

Regard being had to the afore-stated facts, this Court deems it appropriate 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, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Rajesh Kumar VI, Judicial Magistrate, 1st Class, Saharasa in



connection with Complaint Case No. 73 C of 2019,
subject to the conditions as laid down under Section 438
(2) Cr.P.C.

While granting provisional bail to the petitioner,
his wife / Opposite Party No. 2, viz., Rukhasana Khatoon
shall be noticed and on her appearance, the court below
shall explore the possibilities of settlement between the
spouses by facilitating bilateral negotiations. The Court
would be expected to act as a mediator and in case it is
found that there is every likelihood of the dispute being
settled or in the event of the dispute being settled, the
provisional anticipatory bail of the petitioner shall be
confirmed.

If for some reason, which would not be
attributable to the stand of the petitioner, the talks of
settlement fails and it is found that it is because of the
intransigence of Opposite Party No. 2, that fact also
shall be taken into account while passing an order
confirming the provisional anticipatory bail of the



petitioner.

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

(Ashutosh Kumar, J)

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