

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71358 of 2019

Arising Out of PS. Case No.-556 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Saddam Ansari @ Saddam Hussain Son of Sharfuddin Mian @ Saful Ansari
Resident of Village-Murli Bharahwa, P.S.-Gaunaha, District-West
Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Salmun Khatoon Daughter of Ishaque Ansari Resident of Village-Molnia,
P.S.-Sirsiya O.P. District-West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.A. Shamshi, Advocate
		Mr. Syed Ehteshamuddin, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 06-12-2021 Heard Mr. N.A. Shamshi, learned Advocate for

the petitioner and Mr. Ashok Kumar Singh, learned APP

for the State.

There is no appearance on behalf of opposite
party no. 2 despite notice having been served upon her.

The petitioner, who is the husband of the
opposite party no. 2, seeks bail in anticipation of his
arrest in connection with Complaint Case No. 556(C) of
2018 (S.C. No. 1289 of 2019) in which cognizance has
been taken under Section 498(A) of the Indian Penal
Code and Section 4 of Dowry Prohibition Act.



It has been the consistent case of the petitioner that he had kept his wife/opposite party no. 2 with all dignity to which she was entitled and that on one occasion when he had gone to bring her back to the matrimonial home, she had refused.

The petitioner perforce had to file an application for restitution of conjugal rights under the Mohammedan Law and in that case, notices have been issued to opposite party no. 2.

Even today, the petitioner maintains that he is ready to sit across the table to iron out the differences between the spouses.

Considering this stand of the petitioner, this Court deems it appropriate to direct that in the event of the petitioner surrendering before the court below within a period of three 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. Simultaneously, the opposite party no. 2 also shall be



noticed and on the appearance of the parties, the court below shall provide ample opportunities to the spouses/parties to negotiate and settle the differences in an amicable manner. If the dispute is settled, the provisional bail granted to the petitioner shall be confirmed. If at all the court finds that the conduct/stand of the parties is obstructive and unreasonable, that shall be taken into account for while passing the final order of confirmation of provisional bail.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

krishna/rashid

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