

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79858 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- SIKARHATTA District- Bhojpur

SHAMSHER ALAM @ MD. SAMASER ALAM Son of Md. Aash Mohammad Resident of Village- Pathkhauli Bazar, P.S.- Sikarahatta, District- Bhojpur at Ara

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Shakila Khatoon D/o Mainuddin Mansuri, W/o Shamsheer Alam @ Md. Samaser Alam R/o Ramashar, P.S.- Sandesh, District- Bhojpur at Ara

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-12-2021 Heard Mr. Manoj Kumar Singh, learned Advocate for the petitioner and Mr. Kumar Ranjit Ranjan, learned APP for the State.

The petitioner, who is husband of opposite party no. 2, seeks bail in anticipation of his arrest in connection with Sikarhata P.S. Case No. 91 of 2019 dated 02.07.2019 instituted for the offences under Section 494 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The learned counsel for the petitioner has



submitted that the accusation of ill-treatment of opposite party no. 2 and of marrying another lady during the subsistence of the marriage with opposite party no. 2 is incorrect.

The petitioner is ready for negotiating with opposite party no. 2 for resolution of the matrimonial dispute.

Considering this stand of the petitioner, the matter was initially referred to the Mediation Centre, Patna High Court but because of Pandemic closure the mediation process could not commence.

The petitioner maintains that he is, even today, ready for negotiation across the table for the purposes of resolution of the matrimonial dispute.

Considering the aforesaid 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. On the appearance of the opposite party no. 2, the court below shall provide ample opportunities to the spouses/parties to negotiate and settle the differences in an amicable manner. The parties would also be at liberty to go for a one time settlement if restitution of conjugal rights does not appear to be possible. 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 passing a final order of confirmation of provisional bail.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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