

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64079 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- KODHOBARI District- Kishanganj

MD. KHABIR @ BHEDU @ KHABIR ALAM S/o Md. Abdul Rashid @
Abdur Rashid R/o village- Lohagara, P.S.- Kodhobari, District- Kishanganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Kamela Khatoon W/o Md. Khabir @ Khedu @ Khabir Alam, D/o Md. Sabir
R/o village- Lohagara, P.S.- Kodhobari, District- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s :	Ms. Pushpa Sinha.1, APP
	Mr. Md. Shahnawaj Ali, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 04-10-2021 Heard Mr. Ram Prawesh Kumar, learned Advocate for the petitioner and Mr. Md. Shahnawaj Ali for the informant/opposite party no. 2. The State is represented by Ms. Pushpa Sinha-1, 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 Kodhobari P.S. Case No. 32 of 2019 dated 27.05.2019 which has been instituted under Sections 341, 323, 498(A) and 34 of the Indian Penal Code.

This Court had, *vide* order dated 21.10.2019, directed for issuance of notice to the opposite party no.



2 and had granted interim relief to the petitioner in the meanwhile. Later, the matter was referred to the Mediation & Conciliation Centre of Patna High Court. However, because of the pandemic closure, no mediation could take place.

The stand of the petitioner continues to be the same that he is ready and willing to enter into negotiations with opposite party no. 2 for settling the matrimonial dispute.

The learned counsel for the opposite party no. 2, however, initially had some reservations because of the ill-treatment accorded to her but ultimately agreed that the parties must be given an opportunity for exploring the possibilities of settlement which could be either for resumption of matrimonial life or any other alternative settlement which would be mutually acceptable.

Considering the afore-noted aspect of this case, this Court deems it appropriate to send the matter to the court below.

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. Simultaneously, the opposite party no. 2



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. 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 in passing a final order of confirmation of provisional bail.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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