

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75883 of 2019

Arising Out of PS. Case No.-676 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

MD. IMTEYAZ S/o Md. Israffil R/o village- Simri, P.S.- Simri, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shahnaj Khatoon W/o Imteyaz, D/o Md. Mustafa R/o village- Simri, P.S.- Simri, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gagan Deo Yadav, Advocate
For the Opposite Party/s :	Mr. Ashok Kumar Singh, APP
	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-10-2021 Heard Mr. Gagan Deo Yadav, learned Advocate for the petitioner and Mr. Shailendra Kumar Jha, for the informant/opposite party no. 2. The State is represented by Mr. Ashok Kumar Singh, 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. Case No. 676(CIS)/676(CR)/2018 in which cognizance has been taken under Section 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

This Court had, *vide* order dated 06.02.2020, referred the matter to the Mediation and Conciliation Centre, Patna High Court and had granted interim relief



to the petitioner in the meanwhile. 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 to the parties.

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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