

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75486 of 2019

Arising Out of PS. Case No.-41 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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MD. SHAUKAT SHEKH @ SHAUKAT SHEKH Son of Taiyab Shekhh
Resident of Village - Methaura, P.O. Paigamberpur, P.S. - Sakra, District -
Muzaffarpur. At present - Savner guzer Kheri, P.O. Malegaw, P.S.- Nagpur
(Maharastra)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Bibi Jainab Khatoon Wife of Md. Shaukat Shekh @ Shaukat Shekh D/O
Md. Aziz, Resident of Village - Methaura, P.O. Paigamberpur, P.S. - Sakra,
District - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 17-08-2021 Heard Mr. Raj Kumar Choudhary, learned

Advocate for the petitioner and Ms. Madhuri Lata,

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 Complaint Case No. 41 of 2016,
corresponding to Tr. No. 1789 of 2019 in which
cognizance has been taken under Sections 323 and
498A of the Indian Penal Code and Sections 3/4 of the



Dowry Prohibition Act.

The petitioner has expressed his willingness for negotiating with the opposite party no. 2 for settling the dispute either by way of restitution of conjugal rights or for one time settlement.

Considering the aforesaid stand of the petitioner, notice was issued to opposite party no. 2 by this Court vide order dated 04.12.2019. A fresh notice was also directed to be issued to opposite party no. 2. It appears that the notice could not be served upon opposite party no. 2.

Under the aforesaid circumstances, this Court deems it appropriate to direct that in case the petitioner surrenders before the court below within a period of eight weeks from today and seeks bail, he shall be granted provisional bail and simultaneously notice shall be issued to the informant. On the appearance of the informant, the court will explore the possibilities of settlement and if the issues between the spouses are



settled, the provisional bail of the petitioner shall be confirmed. The provisional bail of the petitioner shall also be confirmed in the event of the informant showing an unreasonable attitude during the deliberations. If the conduct of the petitioner is not good, that should also be taken into account before confirming the provisional bail of the petitioner.

The petition stands disposed of.

(Ashutosh Kumar, J)

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