

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73980 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MAHMOOD ALAM Son of Md. Shakur Mian @ Abdul Sakur Resident of
Village - Rajendra Nagar, P.S.- Chhatauni, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shahnaj Praveen D/o Mohammad Islam, Resident of Village - Jokiyari, P.S.- Raxaul, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha, Adv.
For the Opposite Party/s	:	Mr.Suresh Prasad Singh, APP
For the O.P. No. 2	:	Mr. Sunil Kumar No. III, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 04-10-2021 Heard Ms. Rashmi Jha, the learned counsel for
the petitioner and Mr. Sunil Kumar No. III, the learned
counsel for the complainant / opposite party no. 2. The State
is represented by Mr. Suresh Prasad Singh, the learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 66 of 2019 in which cognizance has been taken under Sections 323, 498(A), 307 and 120(B) of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

This Court had vide order dated 11.12.2019



issued notice to the opposite party no. 2 and had granted interim protection to the petitioner. Later, the matter was referred to the Mediation Center 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 reservation because of the ill-treatment accorded to O.P. No. 2 but ultimately agreed that the parties must be given an opportunity for exploring the possibilities of settlement which could be either resumption of matrimonial life or any other alternative settlement which would be mutually acceptable.

Considering the aforesaid stand of the parties, this Court directs that if the petitioner surrenders before the Court below within a period of eight weeks from today, he shall be released on provisional bail. While granting



provisional bail to the petitioner, his wife (opposite party No. 2) shall be noticed and on her appearance, the Court below shall explore the possibilities of settlement between the spouses. In case, the settlement is arrived at, the Court below shall fix the modality of the return of opposite party No. 2 to her matrimonial home.

The provisional bail of the petitioner shall be confirmed only on settlement of dispute between the parties or in the event of the opposite party No. 2 deliberately choosing not to settle the dispute without any appropriate cause.

If the conduct of the petitioner is found to be genuine, his provisional bail shall be confirmed by the Court below.

With the aforesaid observation/direction, the application stands disposed of.

(Ashutosh Kumar, J)

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