

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77874 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- BALIA BELON District- Katihar

MD. MUZAMMIL @ MD. MUZAMMIL AHMAD Son of Late Gayasuddin
Resident of Mohalla - Sawanpur, P.S.- Balia Belon, Distt - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Majid Mehboob Khan, Advocate Mr. Arun Kumar Bhagat, Advocate
For the Opposite Party/s :	Mr. Mritunjay Kumar Nirala, APP Mr. Wasi Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 20-12-2021 Heard Mr. Majid Mehboob Khan, learned Advocate for the petitioner and Mr. Wasi Akhtar for the opposite party no. 2. The State is represented by Mr. Mritunjay Kumar Nirala, 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 Balia Belon P.S. Case No. 67 of 2019 dated 19.06.2019 instituted for the offences under Section 498(A) of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The matter was earlier referred to the mediation centre of Patna High Court but the dispute between the parties could not be resolved at the mediation centre.



Learned counsel for the petitioner has submitted that the accusation in the FIR is absolutely false. The opposite party no. 2 has been residing in the house of the petitioner since long. He further submits that the opposite party no. 2 and the children born out of the wedlock are being looked after.

The aforesaid statement of fact has been disputed by the counsel for the opposite party no. 2. He submits that no doubt the opposite party no. 2 is residing in the house of the petitioner for the reason that she has no other place to go but the petitioner as husband has neglected his duty and has not been looking after either her or children. The petitioner has even gone traceless and the opposite party no. 2 does not have any idea regarding his whereabouts.

Learned counsel for the petitioner disputes the aforesaid statements and submits that he is ready for a fresh round of negotiation if the opposite party no. 2 is agreeable for the same. He submits that he is ever ready to negotiate with opposite party no. 2 for either resumption of matrimonial life or for any other kind of settlement towards all the matrimonial dues of O.P. No. 2 provided she is agreeable for the same.

Looking at the aforesaid stand of the petitioner, this Court deems it appropriate to refer the matter to the



court below.

If the petitioner surrenders before the court below within a period of six weeks, he shall be released on provisional bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount. The court below shall issue notice to opposite party no. 2. On her appearance, the court below shall try and find out whether the O.P. No. 2 has been residing in the house of the petitioner and whether the petitioner has neglected her and her children. If the matter is negotiated and the issues are resolved with mutual consent, the provisional bail granted to the petitioner shall be confirmed or else the law shall take its own course.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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