

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82331 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- PARAIYA District- Gaya

MD. SAHMAD SHAH Son of Md. Madik Shah @ Md. Maddik Shah
Resident of Village- Gewal Bigha (Galbigha), P.S.- Rafiganj, District-
Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rajiya Khatoon @ Sajiya Khatoon D/o Md. Abbas Shah Resident of Village-
Tarma, Tola Bagahi, P.S.- Paraiya, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha Mr. Sudhir Kumar Sinha
For the Opposite Party/s	:	Mr. Sucheta Yadav
For O.P. No. 2	:	Mr. Prithviraj Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 16-12-2021 Heard Mr. Anil Kumar Sinha, the learned counsel

for the petitioner and Mr. Prithviraj Singh, the learned

counsel for the informant / opposite party no. 2. The State is

represented by the learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Paraiya P.S. Case No. 100 of 2019

instituted for the offences under Sections 498A/ 34 of the

Indian Penal Code and Section 3 /4 of the Dowry Prohibition

Act.

By order dated 14.02.2020, the matter was



referred to the Patna High Court Mediation and Conciliation Centre for amicable resolution of dispute between the parties but perhaps because of the pandemic closure, the mediation could not commence.

The parties are even today ready to sit across the table for negotiating the matrimonial dispute between them.

Considering the aforesaid stand of the parties, this Court directs that if the petitioner surrenders before the Court below within a period of six 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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