

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80362 of 2019

Arising Out of PS. Case No.-185 Year-2019 Thana- UJIYARPUR District- Samastipur

MD. ASHFAQUE AHMAD @ MD. ASHFAK @ MD. ASHFAQ AHMED Son
of Md. Khalil Resident of Village - Chand Chaur, P.S.- Ujiyarpur, District -
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Praveen Wife of Md. Ashfaq Ahmad @ Md. Ashfak @ Md. Ashfaq Ahmed D/o Haidar Ali, At Present Resident of Village - Akhtiyarpur, Doghra, P.S.- Baligaon, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 16-12-2021 Heard Mr. Rana Sanjay Kumar Singh, the

learned counsel for the petitioner and Mr. Akbar Ali, the

learned APP for the State.

There is no appearance on behalf of O.P. No.

2.

The learned counsel for the petitioner has

informed this Court that one Mr. Bijay Bhushan Prasad,

Advocate had been appearing in this matter for O.P. No. 2

but it has been reliably learnt by him that Shri Prasad has



given No Objection in this case.

The petitioner seeks bail in anticipation of his arrest in connection with Ujiarpur P.S. Case No. 185 of 2019 instituted for the offences under Sections 341, 323, 498A, 504 and 506/34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act.

The matter was referred to the Patna High Court Mediation and Conciliation Center on 28.09.2021 and the petitioner was granted interim reprieve in order to facilitate the process of mediation.

However, according to the learned counsel for the petitioner, the mediation proceeding has failed. The petitioner even today is ready for a negotiated settlement of all the matrimonial dues of O.P. No. 2 or resumption of matrimonial life provided the O.P. No. 2 is agreeable for the same.

In absence of any representation on behalf of O.P. No. 2, no consent of O.P. No. can be taken.

Despite this, this Court deems it appropriate, in view of the stand taken by the petitioner reflecting his



willingness to sit across the table for negotiating the terms of agreement with O.P. No. 2, to refer the matter to the Court below for effective mediation under its aegis.

Should the petitioner surrender 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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