

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14591 of 2021

Arising Out of PS. Case No.-1846 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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ASMAUL HAQUE @ ISMAUL HAQUE @ MD. ISMAUL HAQUE Son of
Sadique Ali Resident of Villager- Ranipura, P.S.- Harischandrapur, District-
Malda (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabnam Ara Wife of Ismaul Haque, D/o Md. Shafiquel Haque Presently
residing at Village- Dhatta, P.S.- Barsoi, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Fahimuddin
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Complaint Case No. 1846 of 2018
instituted for the offences under Sections 498(A) of the
Indian Penal Code.

At the outset, learned counsel for the petitioner



has submitted that he is not averse to the talks of settlement with his wife/opposite party No. 2, provided she is agreeable for the same. He also wants a rapprochement and perhaps restitution of conjugal rights.

Considering the aforesaid stand of the petitioner, this Court directs that if he 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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