

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15836 of 2022

In
CRIMINAL MISCELLANEOUS No.74637 of 2019

Arising Out of PS. Case No.-143 Year-2019 Thana- KADWA District- Katihar

MD SADIK Son of Late Md. Siddik Resident of Village - Bachhardah,
Meenapur, Bairiya, P.S.- Baisi, Distt.- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Arsadi Khatoon W/o Md. Sadik, D/o Md. Alam Resident of Village -
Tetaliya, P.S.- Kadwa, Distt.- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-04-2022 Heard Mr. Suresh Prasad Sah @ Baranwal, learned
Advocate for the petitioner and Mr. Upendra Kumar, learned APP.

This is an application seeking extension of time for the
petitioner to surrender before the court below so that the process
of mediation could be initiated by him.

Vide order dated 06.12.2021, the petitioner was
directed to surrender before the court below within a period of
three weeks.

However, for reasons which have been explained in
this application he could not surrender within the stipulated time.

As such, the prayer made on behalf of the petitioner is
allowed.

The order stands modified to the extent that if the



petitioner surrenders before the court below within a period of four weeks from today, he shall be released on provisional bail. While granting provisional bail to the petitioner, his wife/opposite party no. 2, viz., Arsadi Khatoon shall be noticed and on her appearance, the court below shall explore the possibilities of settlement between the spouses by facilitating bilateral negotiations. The court would be expected to act as a mediator and in case it is found that there is every likelihood of the dispute being settled or in the event of the dispute being settled, the provisional anticipatory bail of the petitioner shall be confirmed.

If for some reason, which would not be attributable to the stand of the petitioner, the talks of settlement fails and it is found that it is because of the intransigence of the opposite party no. 2, that fact also shall be taken into account while passing an order confirming the provisional anticipatory bail of the petitioner.

With the aforesaid modification, the application stands allowed.

(Ashutosh Kumar, J)

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