

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10445 of 2021**

Arising Out of PS. Case No.-719 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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MD.SAHEB @ SAHEB MIAN, Son of Anish Mian Resident of Village-
Paras Padaki, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aashma Khatoon W/o Saheb Mian @ Md. Saheb, D/o Nejamul Mian At
present residing in Village- Rampurwa, P.S.- Mainatand, District- West
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-02-2022 Heard Mr. Akhileshwar Kumar Srivastava, learned

counsel for the petitioner and Mr. Anil Prasad Singh, 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 Complaint Case No. 719-C/18/SC No. 1414
of 2019, in which cognizance has been taken under Section
498(A) of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act, 1961.

At the outset, learned counsel for the petitioner
has submitted that notwithstanding the differences with his



spouse, he is ready to enter into negotiations with her and is also desirous of restoring his matrimonial life with her, provided she agrees for the same.

In that view of the matter, this Court disposes of this bail petition with a direction that in case the petitioner surrenders before the court below within a period of eight weeks from today and expresses his willingness to bring back the complainant / Opposite Party No. 2 to her matrimonial home, he shall be released on provisional bail.

The Opposite Party No. 2 shall be noticed and on her appearance, the court below shall explore the possibility of settlement of the matrimonial dispute.

If the Opposite Party No. 2 is willing to go with the petitioner to join the matrimonial fold, the provisional bail of the petitioner shall be confirmed. If for no apparent / plausible reason, Opposite Party No. 2 refuses to join the matrimonial fold, that should also be taken into account by the Court while passing an order of confirmation of provisional bail.

With the aforesaid observation / direction, this



petition stands disposed off.

(Ashutosh Kumar, J)

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