

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29667 of 2022

Arising Out of PS. Case No.-385 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Md. Firoz, aged about 31 years, Male, Son Of Md. Ibrahim R/O Village-
Kokni, P.S.- Hasanpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nargish Pravin, wife of Md. Firoz, D/O- Shami Ahmad R/O Village- Kokni,
P.S.- Hasanpur, District- Samastipur At Present Residing At Village- Rani
Parti Tole Khanua, P.O.- Rani Parti, P.S.- Rosera, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s :	Ms. Pushpa Sinha, APP
	Md. Nazmul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 24-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State as well as counsel for O.P. No. 2.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
the office when called upon.

Petitioner apprehends his arrest in connection with
Compliant Case No. 385 of 2019, instituted for the offence
under Section(s) 498A of the Indian Penal Code (for brevity



‘IPC’).

Learned counsel for the petitioner submits that petitioner is willing to reconcile the issue with his wife. It is further submitted that the petitioner will make all genuine efforts to reconcile the issue so that the reconciliation culminates in restoration of matrimonial harmony or one time settlement in terms of the supplementary affidavit filed, or as may be agreed upon between the petitioner and the opposite party No. 2.

Learned counsel for the Opposite Party No. 2 does not object to such proposal as long as amicable settlement is reached between the parties. It is further submitted that the petitioner be put to strict terms.

In view of the nature of allegation, the long period of subsisting marriage between the parties and the fact that since terms of reconciliation has to be worked out, this Court would direct that if the petitioner surrenders in the court below, i.e., the court of learned ACJM-III, Rosera, District-Samastipur, within a period of four weeks from today, in connection with Compliant Case No. 385 of 2019, and submits an undertaking to this effect at the time of his surrender, the court below, after issuing notice to Opposite party No. 2 will grant provisional bail to the petitioner for a period of three months. The parties would



make attempt to work out an amiable resolution of the dispute and the matter would be reviewed by the court below after three (3) months. This Court makes it clear that if the issue is resolved amicably, the provisional bail granted to the petitioner should be confirmed. If the developments are, however otherwise, the court below would be free to pass orders in exercise of its judicial discretion, including cancellation of the provisional bail granted to the petitioner.

With the aforesaid observations the application stands disposed of.

(Madhuresh Prasad, J)

SUMIT/
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