

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74925 of 2022

Arising Out of PS. Case No.-939 Year-2019 Thana- COMPLAINT CASE District- Supaul

MD. MUSTUFA Son of Mohamad Mustakim Resident of Mohalla- Kataiya
Millik, ward no. 13, P.S- Pipra, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Amina Khatoon Wife of Mustufa , Daughter of Md. Mohiuddin Resident of Mohalla- Kataiya Millik, Ward no. 13, P.S- Pipra, Dist- Supaul, at present resident of mohalla- Simrahi, Ward no. 12, P.S- Raghapur, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Patla Kumari, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
		Mr. Kuldeep Kumar
		Mr. Pawan Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-05-2023 Heard learned counsel for the petitioner, learned Additional Public Prosecutor (for brevity, APP) appearing for the State of Bihar and learned counsel for the Opposite Party No. 2.

The petitioner apprehends arrest in Complaint Case No. 939-C of 2019, registered for the offence punishable under Sections 498(A), 379, 307, 341, 323, 504/34 and 120B of Indian Penal Code.

The marriage, even as per complaint, was solemnized 16 years prior to the lodging of the complaint which alleges the petitioner to be instigated by some extra marital relationship into perpetrating torture on the complainant/opposite party No.2.



Learned Counsel for the petitioner submits that he is willing to reconcile the issue with his wife. Counsel for the petitioner submits 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 as may be agreed upon between the petitioner and the informant.

Learned Counsel for the complainant/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 ACJM-VI, Supaul, within a period of four weeks from today, in connection with Complaint Case No. 939C 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 (wife) 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 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)

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