

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24561 of 2015

Arising Out of PS.Case No. -1126 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Sanjay Das son of Shobhit Das

.... Petitioner/s

Versus

State of Bihar & Anr
Radha DEvi w/o Sanjay Das

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Satyavrat Verma(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 10-07-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State and learned
counsel for the opposite party no.2

Petitioner apprehends his arrest in connection with
Complaint Case no. 1126 of 2013 registered for the offences
punishable under Sections 323 and 498A of the Indian Penal
Code.

Petitioner happens to be husband of the opposite party
no. 2 and it appears that on 23.11.013 petitioner and opposite party
no. 2 had filed a compromise petition in M.R.Case No. 247 of
2013 before the Bench of Lok Adalat, Madhubani but again
petitioner and opposite party no. 2 started fighting with each
others.

At the very outset, learned counsel for the petitioner submits that petitioner is still ready to keep the opposite party no. 2 with full honour and dignity but it is opposite party no. 2, who does not want to lead her married life with the petitioner.

On the other hand, learned counsel appearing for the opposite party no. 2 submits that opposite party no. 2 is always ready to lead her married life with the petitioner but as a matter of fact, it is petitioner who is not interested in keeping the opposite party no. 2 with full honour and dignity.

In view of the aforesaid submissions, this anticipatory bail petition stands disposed of with direction to the petitioner to surrender and seek regular bail before the court of Sri Ravi Shankar, Judicial Magistrate 1st class, Madhubani in trial no. 4575 of 2015 arising out of complaint case no.1126 of 2013 within six weeks from today and, if, petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months on the day of his surrender on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court and after releasing the petitioner on provisional bail, the concerned court shall issue notices to the petitioner as well as opposite party no. 2 fixing date for conciliation and shall take all possible steps to patch up the

dispute of the parties, even by way of one time settlement. It is made clear that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself, but if the concerned court fails in his attempt, due to rigid and non co-operative approach of the petitioner, the provisional bail granted to him shall not be confirmed by the concerned court and in that event petitioner shall be taken into custody by the concerned court and his regular bail shall be decided on its own merit. It is needless to say that, if, the concerned court fails in his attempt due to non co-operation and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

It is also made clear that if the concerned court fails to get the service report of notice issued to the petitioner within the above stated period of four months, the concerned court shall send a report to this court and if any report is send by the concerned court to this Court, the office will list this matter under the “Heading For Orders.”

Accordingly, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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