

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25711 of 2014

Arising Out of PS.Case No. -454 Year- 2010 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Santosh Ram @ Santosh Kumar Ram Son of Sipahi Ram resident of
village- Noon Nagar, P.S.- Jalalpur, Distt.- Saran

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Mr. Mustaq Alam (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 05-01-2015 Heard learned counsel for the petitioner, learned

counsel for the opposite party no. 2 as well as learned Additional

Public Prosecutor for the State.

Petitioner being husband of opposite party no. 2 is in

jail custody since 10.04.2014 in Complaint Case No. 454 of 2010

in which cognizance has been taken for the offences punishable

under Sections 406, 498 A, 494 of the Indian Penal Code.

It would appear from perusal of the impugned order

that when the lower court tried to settle the dispute of the parties,

the opposite party no. 2 flatly refused to lead her conjugal life with

the petitioner on the ground that petitioner already solemnized second marriage but before this court learned counsel appearing for the opposite party no. 2 submits that she is still ready to lead her conjugal life with the petitioner.

In view of the aforesaid facts and circumstances as well as submissions of the parties and also keeping in mind the period of detention of the petitioner in jail custody, this petition stands disposed of with direction to Sri S. D. Bharti, Judicial Magistrate, Saran at Chapra/concerned court to release the petitioner on provisional bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to its satisfaction in connection with Trial No. 1129 of 2014 arising out of Complaint Case No. 454 of 2010 for the period of six months and shall issue notice to opposite party no. 2 as well as petitioner fixing a date for conciliation and explore the possibilities to settle the dispute of the parties within the above stated period of six months. It is made clear that if the concerned court fails in its attempt due to rigid and non cooperative approach of opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner but if the concerned court fails in its attempt due to non cooperative and rigid approach of the petitioner, the provisional bail granted to the petitioner shall

not be confirmed. It goes without saying that if the concerned court succeeds in its attempt, the provisional bail of the petitioner shall be confirmed by the learned trial court itself.

(Hemant Kumar Srivastava, J)

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