

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40210 of 2014

Arising Out of PS.Case No. -95 Year- 2013 Thana -SARAN COMPLAINT CASE District- SARAN

Uma Shankar Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-05-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner being husband of opposite party No. 2 apprehends his arrest in connection with Complaint Case No. 95 of 2013, in which, cognizance has been taken under Section-498 of the Indian Penal Code

The marriage of the petitioner with the opposite party No. 2 was solemnized 25 years ago and submission on his behalf is that opposite party No. 2 lodged this case at the behest of agnates of the petitioner. It is further contended that the petitioner is ready to keep the opposite party No. 2 with full honour and dignity.

Learned counsel, appearing for opposite party No. 2 submits that opposite party No. 2 is also ready to reside with the

petitioner though she still carries some confusion in her mind.

In view of the aforesaid submissions, without entering into merit of the case, this petition stands disposed off with direction to the petitioner to surrender before the learned Sub Divisional Judicial Magistrate/concerned court, Chapra and seek regular bail within four weeks from the date of receipt/production of copy of this order and if, the petitioner does so, the petitioner shall be enlarged on provisional bail on the date of surrender itself, for a period of four months on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate/concerned court, Chapra in connection with Complaint Case No. 95 of 2013.

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the complainant, fixing a date for reconciliation and shall take all efforts to patch up the dispute of the parties within four months from the date of surrender of the petitioner. It is also 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 but if, the concerned court fails in his attempt due to rigid and non-cooperative approach of the petitioner, the provisional bail granted

to the petitioner shall not be confirmed by the concerned court and in that event, the petitioner shall be taken into custody and on his regular bail petition, the order shall be passed on its own merit without being prejudiced by this order.

It goes without saying that if the reconciliation proceeding fails due to rigid and non-cooperative approach of the complainant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

A.K.V./-

(Hemant Kumar Srivastava, J)

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