

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.568 of 2015

Arising Out of PS.Case No. -467 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Astam Ansari, son of Iliyas Mian

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 08-01-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner being husband of the complainant is in jail
custody since 03.08.2014 in Complaint Case No. 467 of 2013
registered for the offences punishable under Sections 498A, 342,
323, 406/34 of the Indian Penal Code.

At the very outset, learned counsel for the petitioner
submits that petitioner is still ready to keep the complainant with
him with full honour and dignity but it is complainant who does
not want to lead her conjugal life with the petitioner.

In view of the aforesaid submissions, this petition
stands disposed of with direction to Sub Divisional Judicial
Magistrate, Raxaul, Motihari to issue summons to complainant
fixing a date for reconciliation between the petitioner and the

complainant and take all possible steps to patch up the dispute of the parties. It is made clear that if the concerned court succeeds in its attempt, the petitioner shall be released on bail fixing the amount of bail bonds by the learned court below itself but if the conciliation proceeding is failed due to rigid and non cooperative approach of the petitioner, the concerned court shall pass appropriate order in respect of bail prayer of the petitioner. It goes without saying that if the conciliation proceeding fails due to rigid and non cooperative approach of the complainant, the petitioner shall be released on bail fixing the amount of bail bonds by the learned court below itself. It is also made clear that if on account of failure of settlement between the parties, the prayer for bail of the petitioner is rejected by the concerned court, the petitioner may renew his prayer for bail before this Court.

(Hemant Kumar Srivastava, J)

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