

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5158 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -DHAMDAHA District- PURNIA

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1. Rakesh Kumar @ Dalo @ Dalo Yadav Son of Shobhakant Yadav

.... Petitioner/s

Versus

1. The State of Bihar

2. Abhinaw Kumar @ Kanaihya Son of Jai Prakash Yadav

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-02-2015

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

Petitioner being husband of sister of opposite party
no. 2 apprehends his arrest in connection with Dhamdaha P.S.
Case No. 180 of 2014 registered for the offences punishable
under Sections 341, 323, 498 A, 494, 504/34 of the Indian Penal
Code and ¾ of Dowry Prohibition Act, pending in the court of
Sri A. Mishra, Judicial Magistrate 1st Class, Purnea.

It appears from perusal of impugned order of
learned Sessions Judge that notice was issued to the informant's
sister but she did not appear before him for conciliation.

The stand of the petitioner is that he is still ready to keep the informant's sister with full honour and dignity.

In view of the aforesaid submissions, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court below 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, the concerned court shall issue notice to the petitioner as well as informant's sister fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within the above stated period of four months. It goes without saying 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 cooperative 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. It is needless to say that, if, the concerned court

fails in his attempt due to non cooperative and rigid approach of the informant's sister, the concerned court shall confirm the provisional bail granted to the petitioner.

(Hemant Kumar Srivastava, J)

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