

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11646 of 2015

Arising Out of PS.Case No. -1277 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Saddam Hussain

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 26-03-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as also heard learned
counsel for the complainant.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1277 of 2014, in which, cognizance has
been taken for the offence punishable under Section-498A, 406,
504 of the Indian Penal Code Sections-498(A), 323, 324, 379, 149
of the Indian Penal Code and Section-3/4 of Dowry Prohibition
Act.

The petitioner happens to be husband of the
complainant and it is an admitted position that earlier, the
marriage of the complainant had taken place with elder brother of
the petitioner and after his death, the petitioner solemnized his
marriage with the complainant but later on, differences cropped up

between them, resulting filing of the present case. However, in course of hearing, both parties submit that they are ready to lead their conjugal life.

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 Sri R. K. Pandey, learned Judicial Magistrate-Ist Class/concerned court, Gopalganj 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 Sri R. K. Pandey, learned Judicial Magistrate-Ist Class/concerned court, Gopalganj in connection with Complaint Case No. 1277 of 2014.

It is further made clear that 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.

(Hemant Kumar Srivastava, J)

A.K.V./-

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