

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10742 of 2015

Arising Out of PS.Case No. -1354 Year- 2014 Thana -COMPLAINT CASE District- BANKA

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1. Dayanand Choudhary S/o Late Naresh Choudhary Resident of Village Gangapur Garhail, Police Station Amarpur, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arti Devi W/o Dayanand Choudhary, D/o Gama Prasad Choudhary Resident of Village Khemichan, P.S. Amarpur, District Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Shailendra Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 19-03-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. 1354 of 2014 registered for the offences punishable under Sections 498A of the Indian Penal Code.

Petitioner happens to be husband of the complainant and it appears that within four months of marriage the dispute cropped up between the parties. However, learned counsel appearing for the petitioner submits that petitioner is ready to resolve the dispute.

Without entering into the merit of this case, 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 furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Sub- Divisional Judicial Magistrate, Banka in connection with Complaint Case No. 1354 of 2014 /concerned court and after releasing the petitioner, the concerned court shall issue notice to the petitioner as well as opposite party no. 2 fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within four months from the date of issuance of the above stated notice. 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 co-operative 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 and his regular bail shall be decided on its own merit. It is needless to say that, if, the concerned court fails in his attempt due to non co-operative and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

(Hemant Kumar Srivastava, J)

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