

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8302 of 2015

Arising Out of PS.Case No. -26 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Bhola Bhaskar Das S/o Sadanand Das, Resident of Village - Bijay nagar
Petrol Pump, P.S. + District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Bharti D/o Phudin Das, W/o Bhola Bhaskar, Resident of Village
- Gandhi Tola (Indarukh), P.S. Naya Ram Nagar, District - Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan
For the Opposite Party/s Mr. Narsingh Tanti(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 03.03.2015 Heard learned counsel for the petitioner as well as learned
Public Prosecutor for the State.

Petitioner happens to be husband of the complainant.
According to the complaint case itself, marriage of the petitioner was
solemnized with the complainant in the year 2002 whereas present
complaint was filed in the year 2014 i.e. after 12 years of marriage.

The contention on behalf of the petitioner is that the
petitioner is ready to keep the complainant with full honour and
dignity.

In view of the aforesaid submission, this anticipatory bail
stands disposed of with direction to petitioner to surrender before the
Sub divisional Judicial Magistrate, Munger/ concerned court in
connection with Complaint case no. 26C/2014 within four weeks
from the date of receipt /production of a copy of this order and seek

regular bail and if petitioner does so, the concerned court shall release the petitioner on provisional bail on the day of his surrender for a period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to his satisfaction.

Furthermore, after being released the petitioner on provisional bail, the concerned court shall issue notice to the petitioner as well as complainant fixing a date for reconciliation and shall take all possible steps to patch up the dispute of the parties and in the above stated attempt, if the concerned court succeeds to patch up the dispute of the parties, the concerned court shall pass order for confirmation of bail of the petitioner but if the concerned court fails due to rigid approach of the petitioner, then, in that event, provisional bail of the petitioner will not be confirmed by the court below and in that event, petitioner shall be taken into custody and his regular bail application shall be decided by the concerned court on its own merit.

It goes without saying that if the aforesaid effort fails on account of rigid and non-cooperative approach of the complainant, the provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid

(Hemant Kumar Srivastava, J.)