

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9412 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -BELAGANJ District- GAYA

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1. Md. Irfan @ Md. Irfan Ahmad Son of Md. Mustaque

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad

For the Opposite Party/s : Mr. Kalayan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 17-03-2015 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel appearing for the informant.

Petitioner apprehends his arrest in connection with Belaganj P.S. Case No. 05 of 2015 registered for the offences punishable under Sections 341, 323, 498A/34 of the Indian Penal Code and Section 34 of Dowry Prohibition Act, pending in the court of Chief Judicial Magistrate, Gaya.

Petitioner happens to be husband of the informant and admittedly, the informant gave birth to a baby after solemnization of marriage which had taken place on 09.04.2013 but allegedly, she was subjected to cruelty and torture by the petitioner due to non fulfilment of illegal demand.

The contention on behalf of the petitioner is that the petitioner has already divorced the informant and there is no chance of reconciliation. Moreover, the petitioner is ready to settle the dispute with the informant by way of one time settlement.

Learned counsel appearing for the informant submits that informant is still ready to lead her conjugal life with the petitioner but she is not interested in one time settlement.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this petition stands disposed of with direction to petitioner as well as informant to appear before the court below on 21.04.2015 in person and if they do so, the learned court below shall release the petitioner on provisional bail for the period of two months with effect from 21.04.2015 itself 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 fix a date for conciliation and shall take all possible steps to patch up the dispute of the parties by way of one time settlement or by way of reunion of the parties. 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 and could not succeed to patch up the dispute by way of one time settlement, the regular bail application of the petitioner shall be heard by the court below and shall be disposed of within a week from the date of failure of conciliation proceeding. It is made clear that all the above stated proceedings must be completed within two months from the date of appearance of the petitioner as well as informant. It is also made clear that if the informant fails to appear before the court below on 21.04.2015 without any reasonable cause, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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