

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7879 of 2015

Arising Out of PS.Case No. -757 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Kumar Abhishek @ Vikky Son of Shri Ashok Chaudhari
..... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Baubi, Wife of Kumar Abhishek @ Vikky and Daughter of Late
Harendra Kumar Karn
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan
For the Opposite Party/s : Mr. Ram Chandra Sahni(App)
for the O.P. No. 2 Mr. Uday Kr.
Mithlesh Kr. Gupta

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 04-03-2015 Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 (complainant) as well as
learned Additional Public Prosecutor for the State.

Petitioner being husband of the opposite party no. 2
apprehends his arrest in connection with Complaint Case No. 757
of 2014 in which cognizance has been taken for the offences
punishable under Sections 498A/34 of the Indian Penal Code and
4 of Dowry Prohibition Act, pending in the court of Sub
Divisional Judicial Magistrate, Katihar.

The marriage of petitioner was solemnized with the

opposite party no. 2 (complainant) in the year 2006 but subsequently, the petitioner appears to have solemnized his second marriage with another woman in the year 2014 and thereafter, the present case was lodged.

Learned counsel appearing for the petitioner submits that petitioner is ready to enter into one time settlement with the complainant.

Learned counsel appearing for the complainant submits that admittedly, petitioner has solemnized his second marriage and, therefore, it is not possible for the complainant to lead her conjugal life with the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court below within four weeks from the date of receipt/production of copy of this order to the court concerned 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 opposite party

no. 2 fixing date for conciliation and shall take all possible steps to resolve the dispute of the parties by way of one time settlement 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 approach of the petitioner, the provisional bail granted to him shall not be confirmed by the concerned court and in that event the regular bail application of the petitioner shall be decided on its own merit without being prejudiced by this rejection order. It is needless to say that, if, the concerned court fails in his attempt due to 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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