

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8347 of 2015

Arising Out of PS.Case No. -1740 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Bipin Mahto S/o Ramphal Mahto Resident of Village - Kansara, P.S. -
Sursand District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shail Devi W/o Bipin Mahto, D/o Shivsaran Singh At preset residing at
village - Adhakbani P.S. - Parihar, District - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Opposite Party/s Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04 25.03.2015 Heard learned counsel for the petitioner, learned counsel
for the complainant as well as learned Addl. Public Prosecutor for the
State.

Petitioner and the complainant appear in person and both
state that they want to live together. However, complainant says that
due to ailment of her father she is unable to go to her matrimonial
home and she needs some time.

In view of the aforesaid circumstance, this anticipatory
bail stands disposed of with direction to petitioner to surrender before
the Chief Judicial Magistrate, Sitamarhi/ concerned court in
connection with Complaint case no. C-I 1740/2013 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.**)

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