

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10127 of 2015

Arising Out of PS.Case No. -684 Year- 2013 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Anil Singh Son of Darak Singh@Daraf Singh Resident of Village-
Dekuli, Police Station- Mahamadpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi wife of Anil Singh Daughther of late Shiv Shankar Singh At
present Resident of Village- Karhi Kala Mathia, P.S.- Basantpur, District-
Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Md.Sufiyan (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 17-03-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 684 of 2013 registered for the offence
under Sections-498(A), 323, 324, 379, 149 of the Indian Penal
Code and Section-3/4 of Dowry Prohibition Act.

The petitioner happens to be husband of the
complainant and it appears from perusal of the impugned order
that earlier the petitioner was ready to keep the complainant with
him but when the hearing of anticipatory bail of the petitioner was
taken up before learned Sessions Judge, he made himself absent,

resulting dismissal of his anticipatory bail petition. However, it is addressed on behalf of the petitioner that he is still ready to keep the complainant with full honour and dignity.

Learned counsel, appearing for the complainant submits that if, the petitioner is ready to keep the complainant with full honour and dignity, the complainant has no problem with the petitioner and she is also ready to lead her conjugal life with the petitioner.

In view of the aforesaid submissions, without entering into merit of the case, this petition stands disposed off with direction to the petitioner to surrender before the learned Sub Divisional Judicial Magistrate/concerned court, Siwan and seek regular bail within four weeks from the date of receipt/production of copy of this order and if, the petitioner does so, the petitioner shall be enlarged on provisional bail on the date of surrender itself, for a period of four months on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate/concerned court, Siwan in connection with Complaint Case No. 684 of 2013.

It is further made clear that after being released on provisional bail, the concerned court shall issue notice to the

petitioner as well as the complainant, fixing a date for reconciliation and shall take all efforts to patch up the dispute of the parties within four months from the date of surrender of the petitioner. It is also made clear that if, the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court but if, the concerned court fails in his attempt due to rigid and non-cooperative approach of the petitioner, the provisional bail granted to the petitioner shall not be confirmed by the concerned court and in that event, the petitioner shall be taken into custody and on his regular bail petition, the order shall be passed on its own merit without being prejudiced by this order.

It goes without saying that if the reconciliation proceeding fails due to rigid and non-cooperative approach of the complainant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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