

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12534 of 2015

Arising Out of PS.Case No. -579 Year- 2012 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Mantu Paswan Son of Late Bindeshwari Paswan, Resident of Bhabua
Ward No. 25 P.S. Bhabua, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi Wife of Mantu Paswan, Daughter of Sudarsan Paswan, at
Present Resident of Village - Kurtha P.S. Belaon, District - Kaimur
(Bhabua)

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arabind Nath Pandey
For the Opposite Party/s : Mr. Akbar Ali (App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

2 06-04-2015 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. 579 of 2012, in which, cognizance has
been taken for the offence punishable under Section-498A of the
Indian Penal Code.

The petitioner happens to be husband of the
complainant and at paragraph-7 of the petition, it has specifically
been averred that the petitioner is ready to keep the complainant
with him with full honour and dignity.

The contention on behalf of the petitioner is that the

complainant herself does not want 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 Chief Judicial Magistrate/concerned court, Kaimur at Bhabhua 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 Chief Judicial Magistrate/concerned court, Kaimur at Bhabhua in connection with Complaint Case No. 579 of 2012.

It is further made clear 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.

A.K.V./-

(Hemant Kumar Srivastava, J)

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