

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7961 of 2015

Arising Out of PS.Case No. -365 Year- 2011 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Md. Ikwal @ Md. Aqbal son of Nematullah Resident of Mohalla-
Station Road, New Area Dehri on sone, Post + P.S- Dehri -on-Sone,
District- Rohtas at Sasaram (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabana Mohjabin R/o Md. Ikwal, R/o Village Jangali Bigha , Post -
Jagatpur, P.s- Baroon, District- Aurangabad, (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6
For the Opposite Party/s Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 02.03.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the complainant and
stand of the petitioner is that he is still ready to keep the complainant
with full honour and dignity.

From perusal of the impugned order, I find that learned
Sessions Judge observed in the impugned order that there was chance
of amicable settlement of dispute of the parties.

In view of the aforesaid facts and circumstances, this
anticipatory bail stands disposed of with direction to petitioner to
surrender before the Chief Judicial Magistrate, Aurangabad/
concerned court in connection with Complaint case no. 365/2011 Tr.
No. 1474/2014 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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