

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14193 of 2015

Arising Out of PS.Case No. -17 Year- 2014 Thana -MAHILA PS District- GOPALGANJ

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1. Md. Yunush S/o- Md. Alim Marhum Vill-Chauraw, P.s Gopalganj, Distt-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sabanam @Sabana@Ashma Khatoon F/o Abdul Salam Vill-
.....p.s+Dist- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-04-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Gopalganj (Mahila) P.S. Case No. 17 of 2014 registered under Sections-498A, 406/34 of the Indian Penal Code.

The petitioner happens to be husband of the informant and admittedly, after 12 years of the marriage, the present case was filed. It would also appear from perusal of the first informant report that one son was born out of the said wedlock.

The contention on behalf of the petitioner is that the petitioner is ready to keep the informant with full honour and

dignity.

Considering the aforesaid facts and circumstances as well as submission of the parties, this petition stands disposed off with direction to the petitioner to surrender before the learned Chief Judicial Magistrate, /concerned court, Gopalganj 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, Gopalganj, in connection with Gopalganj (Mahila) P.S. Case No. 17 of 2014 .

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the informant, 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 informant, 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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