

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12217 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

1. Sanjay Rai Son of Binde Rai R/o village - Baligarh, P.S. Runnisaidpur,
District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03 02.07.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the informant and marriage of the informant was solemnized with the petitioner in the year 2004 and after ten years of marriage, the present case was filed. However, it is admitted position that after marriage informant became mother of three children who are presently residing with the petitioner.

It is informed on behalf of the informant that informant is carrying pregnancy and she is ready to lead her conjugal life with the petitioner.

The contention on behalf of the petitioner is that he is, too, ready to lead his conjugal life with the informant.

Considering the aforesaid facts and circumstances of the case, this anticipatory bail stands disposed of with direction to

petitioner to surrender before the Chief Judicial Magistrate, Sitamarhi/ concerned court in connection with Runnisaidpur P.S. case no. 26/2015 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 informant 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 informant, the provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid

(Hemant Kumar Srivastava, J.)

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