

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14208 of 2015

Arising Out of PS.Case No. -561 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

=====

1. Mukesh Ray S/o Suresh Ray R/o Village- Chak Sikandra, P.s- Tajpura,
District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar .
2. Kabita Devi W/o Mukesh Ray resident of village- Chak sikandar,, P.s
Tajpur, Distt- Samastipur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha
For the Opposite Party/s Mr. Khurshid Anwar (App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 06.04.2015 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 complainant
with full honour and dignity.

From perusal of the impugned order dated 02.12.2014
passed in ABP no. 1166/2014, it would appear that the petitioner
was granted provisional bail on the assurance that he would keep the
complainant with full honour and dignity but, later on, dispute
between the parties, again, arose resulting rejection of prayer for bail
of the petitioner.

However, when the petitioner is ready to keep complainant
with full honour and dignity, this court thinks it proper to give one
more chance to the parties to settle their dispute amicably.



In the aforesaid circumstances, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Sub divisional Judicial Magistrate, Berual at Benipur, Darbhanga/ concerned court in connection with C.R. case no. 561/2013 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.

It is also made clear that if the parties settle their dispute by way of one time settlement, the concerned court shall

confirm the provisional bail of the petitioner.

Shahid

(Hemant Kumar Srivastava, J.)

