

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12339 of 2015

Arising Out of PS.Case No. -1537 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Daya Shankar Chaudhary Sri Mohan Lal Chaudhary

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 01-05-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State and learned
counsel for the informant.

Petitioner apprehends his arrest in connection with
Complaint Case No. 1537 of 2014 registered for the offences
punishable under Sections 498A of the Indian Penal Code and 3 of
the Dowry Prohibition Act.

Petitioner happens to be husband of the complainant and
it would appear from perusal of the impugned order dated
11.02.2015 passed by Sessions Judge, Saran that petitioner as well
as complainant were ready to live together but in spite of that the
learned Sessions Judge, Saran without giving any interim
protection directed the petitioner to move before the learned
court below for bail and the learned court below was directed to

pass order in view of direction given by the Apex Court of this country in the case of Arnesh Kumar vs. State of Bihar & Anr reported in 2014 (3) PLJR 314 (SC).

In my view, the learned Sessions Judge, Saran ought to have given, at least, interim protection to the petitioner before making the above stated observations.

Without entering into the merit of this case, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court of Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Complaint Case No. 1537 of 2014 within four weeks from today and, if, petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court and after releasing the petitioner, the concerned court shall issue notice to the petitioner as well as opposite party no. 2 fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within four months from the date of issuance of the above stated notice. It goes without saying that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself, but if the concerned

court fails in his attempt, due to rigid and non co-operative approach of the petitioner, the provisional bail granted to him shall not be confirmed by the concerned court and in that event, petitioner shall be taken into custody by the concerned court and his regular bail shall be decided on its own merit. It is needless to say that, if, the concerned court fails in his attempt, due to non co-operative and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

(Hemant Kumar Srivastava, J)

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