

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12096 of 2015

Arising Out of PS.Case No. -354 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Md. Shahanshah Alam @ Md. Sahansha Alam Son of Ahmad Hussain,
Resident of village- Chhoti Khiridarh Police Station- Sanhaula, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi shahana Khatoon, wife of Md. Shahanshah Alam , Daughter of Farid
Mansoori, Resident of Village- Disharath , Police Station- Sanhaula,
District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Smt. Nirmala 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 and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 354 of 2012 in which, cognizance has
been taken for the offence under Section-498(A) of the Indian
Penal Code and Section-3/4 of Dowry Prohibition Act.

The petitioner happens to be husband of the
complainant and he is ready to keep the complainant with him
with full honour and dignity.

In view of the aforesaid submissions, without
entering into merit of the case, this petition stands disposed off



with direction to the petitioner to surrender before the learned Sub Divisional Judicial Magistrate/concerned court, Bhagalpur and seek regular bail within six 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 Sub Divisional Judicial Magistrate/concerned court, Bhagalpur in connection with Complaint Case No. 354 of 2012.

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the complainant, 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 complainant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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