

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7563 of 2015

Arising Out of PS.Case No. -2325 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rajesh Kumar Singh son of late Janeshwar Singh

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Laxmi Singh wife of Ramesh Kumar Singh & D/o Shyam Bahadur Singh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Shakir Ahmad(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 26-02-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner being husband of the opposite party no. 2 apprehends his arrest in connection with Complaint Case No. 2325 C of 2010 in which cognizance has been taken for the offences punishable under Sections 323, 498A of the Indian Penal Code and 3/4 of Dowry Prohibition Act, pending in the court of M/s Jyoti Kumari, Judicial Magistrate 1st Class, Patna.

The stand of the petitioner is that he is still ready to keep the opposite party no. 2 (complainant) with him with full honour and dignity but it is the complainant who does not want to lead her conjugal life with the petitioner.

It appears from perusal of the complaint petition that marriage of the petitioner was solemnized in the year 2001 and after nine years of the marriage, the present complaint case was filed. Furthermore, it appears that after marriage, the complainant became mother of a child on account of the aforesaid wedlock.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court below within six 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 the day of his surrender 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 the above stated period of four months. 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 cooperative 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. It is needless to say that, if, the concerned court fails in his attempt due to non cooperative 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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