

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1787 of 2015

Arising Out of PS.Case No. -707 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Santosh Mishra

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 15-01-2015

Heard learned counsel for the petitioner and learned
counsel, appearing for the State.

The petitioner apprehends his arrest in connection with
complaint case No. 707 of 2013, in which, cognizance of the
offence has been taken against the petitioner u/S - 498A of the
Indian Penal as also Section-3/4 of Dowry Prohibition Act.

The contention on behalf of the petitioner is that the
petitioner is ready to keep the complainant 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 court of Sub
Divisional Judicial Magistrate, Sasaram and seek regular bail
within four weeks from the date of receipt/production of copy of
the order and if, the petitioner does so, the petitioner shall be
enlarged on provisional bail on the date of his surrender itself, for

a period of four months on furnishing bail bonds of Rs 10,000/- (ten thousand) of the like amount each to the satisfaction of the concerned court.

It is further made clear that after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the complainant/victim, 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 non-cooperative and rigid approach of the complainant/victim, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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