

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3125 of 2015

Arising Out of PS.Case No. -594 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Raja Ram Singh S/o Pramod Singh Resident of Village Keshawe Tola
Tarai Pai, P.S. Barauni, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Basanti Devi D/o Ram Sagar Rai Resident of Village Punarwas Tola,
Pathua, P.S. Matihani, District Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

2 23-01-2015 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. 594C of 2011 registered under Sections-
323, 307, 498A/34 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

The contention on behalf of the petitioner is that
opposite party No. 2 has already solemnized her second marriage
but in spite of all that, if, opposite party No. 2 is ready to reside in
the house of the petitioner, the petitioner is ready to keep her with
full honour and dignity.



Taking into consideration the aforesaid submissions as well as facts and circumstances of the case, without entering into merit of the case, this petition stands disposed off with direction to the petitioner to surrender before the Sub Divisional Judicial Magistrate/concerned court, Begusarai and seek regular bail within four 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, Begusarai in connection with Complaint Case No. 594C of 2011.

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. Furthermore, learned Sub Divisional Judicial Magistrate, Begusarai shall also obtain a report from Matihani Police Station as to whether the opposite party No. 2 has solemnized her second marriage with another person or not and if it is found that the opposite party No. 2 has already solemnized her second marriage with another person, the provisional bail granted

to the petitioner shall be confirmed by the concerned court. However, if, it is found that the opposite party No. 2 has not solemnized her second marriage with another person, in that event, the learned court below shall take all possible efforts to patch up the dispute of the parties and 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.

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. It is also made clear that all the above-said steps must be taken within four months from the date of surrender of the petitioner.

(Hemant Kumar Srivastava, J)

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