

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3929 of 2015

Arising Out of PS.Case No. -166 Year- 2014 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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Firoz Alam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 29.01.2015 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State.

Petitioner being husband of the informant apprehends his arrest in connection with Dhaka P.S. case no. 166/2014 registered under section 498A, 406, 420 of the IPC and section 3/ 4 of the D.P. Act.

At the very outset, learned counsel for the petitioner submits that petitioner has not solemnized his second marriage and he wants to keep informant with full honour and dignity and it is the informant who does not want to lead her conjugal life with the petitioner.

Without entering into the merit of the case, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Sub divisional Judicial



Magistrate, Sikarahna at Motihari Dist East Champaran/
concerned court in connection with Dhaka P.S. case no.
166/2014 within three weeks from the date of receipt
/production of a copy of this order and seek regular bail
and if petitioner does so, the concerned court shall release
the petitioner on provisional bail on the day of his
surrender for a period of four months on furnishing bail
bonds of Rs. 10,000/- with two sureties of the like amount
each to his satisfaction.

Furthermore, after being released the petitioner
on provisional bail, the concerned court shall issue notice
to the petitioner as well as informant fixing a date for
reconciliation and shall take all possible steps to patch up
the dispute of the parties and in the above stated attempt, if
the concerned court succeeds to patch up the dispute of the
parties, the concerned court shall pass order for
confirmation of bail of the petitioner but if the concerned
court fails due to rigid approach of the petitioner, then, in
that event, provisional bail of the petitioner will not be
confirmed by the court below and in that event, petitioner
shall be taken into custody and his regular bail application
shall be decided by the concerned court on its own merit.

It goes without saying that if the aforesaid effort fails on account of rigid and non-cooperative approach of the informant, the provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid

(Hemant Kumar Srivastava, J.)

