

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2877 of 2015

Arising Out of PS.Case No. -53 Year- 2014 Thana -MAHILA P.S. District- MADHUBANI

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Deepak Kumar Mahto

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 21-01-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 53 of 2014, registered under Sections- 341, 342, 323, 504, 498(A)/34 of the Indian Penal Code and Section-3/4 of Dowry Prohibition Act.

Admittedly, the marriage of the petitioner was solemnized with the informant in the year, 2004 and after marriage; the informant gave birth to three children out of the aforesaid wedlock.

The contention on behalf of the petitioner is that the petitioner is ready to keep the informant with full honour and dignity but it is the informant, who does not want to lead her conjugal life with the petitioner.

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, Madhubani 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, Madhubani in connection with Mahila P.S. Case No. 53 of 2014.

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

(Hemant Kumar Srivastava, J)

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