

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6228 of 2015

Arising Out of PS.Case No. -457 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Chhathu Choudhary Son of Shivbachan Choudhary Resident of village -
Barun Bazar, P.S. Barun, District - Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sumitra Devi W/o Chhatu Choudhary resident of village + Post Anchha,
P.S. Daudnagar, District - Aurangabad (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 16.02.2015 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the
complainant and admittedly, marriage was solemnized in
the year 2007 and after that three children were born out of
the aforesaid wedlock.

The contention on behalf of the petitioner is that
he is ready to keep the complainant with him and he has
also filed suit for restitution of conjugal rights.

In view of the aforesaid submissions, this
anticipatory bail stands disposed of with direction to
petitioner to surrender before the Sub divisional Judicial



Magistrate, Daudnagar, Aurangabad/ concerned court in connection with Complaint Case No. 457/2013 within four 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 complainant 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 complainant, the provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid

(**Hemant Kumar Srivastava, J.**)

