

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3119 of 2015



Arising Out of PS.Case No. -2514 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Samiul S/o Md. Tafijul Resident of Village Mongra Hazi, Basir Tola,
P.S. Mofassil, Katihar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Farida Khatoon D/o Abdul Matablib, W/o Samiul Resident of Village
Mongra Hazi, Basir Tola, P.O. Dalon, P.S. Mofassil, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Pushpa Sinha No.2(App)

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

ORAL ORDER

2 22-01-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with case No. C.A. 2514 of 2012, in which, cognizance has been
taken for the offence punishable under Section-498A of the Indian
Penal Code.

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 learned Judicial Magistrate-Ist Class/concerned court, Katihar 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 Judicial Magistrate-Ist Class/concerned court, Katihar in connection with case No. C.A. 2514 of 2012.

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 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 complainant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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