

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22105 of 2015**

Arising Out of PS.Case No. -2 Year- 2015 Thana -MAHILA PS District- KATIHAR

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1. Shrawan Sah son of Sri Prem Sah resident of village & Police Station, Rautara, District Katihar

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Anita Devi wife of shrawan Sah, daughter of Sri Dhiren Sah, resident of Bairia, P.O. & P.S. Amdabad, Dist. Katihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajendra Prasad Sah  
For the Opposite Party/s Mr. Uday Pratap Singh (App)

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

02      07.07.2015      Heard learned counsel for the petitioner as well as learned  
Addl. Public Prosecutor for the State.

Petitioner happens to be husband of opposite party no.2  
and apprehends his arrest in a case registered under section 498A/34  
of the Indian Penal Code and 3/ 4 of the D.P. Act.

It would appear from perusal of the impugned order that  
the petitioner had taken plea before the learned Sessions Judge,  
Katihar that he is ready to keep the informant with full honour and  
dignity and taking note of the aforesaid submission, learned Sessions  
Judge directed the petitioner to surrender before the court below and  
furthermore, lower court was directed to consider the above stated  
plea of the petitioner and further learned Sessions Judge observed in  
the impugned order that the petitioner should not be behind the bar, if  
there is any ray of hope of reconciliation.

In my view, petitioner should obey the direction of learned

Sessions Judge and surrender before the court below.

However, I think it proper to modify the impugned order dated 17.3.2015 passed by learned Sessions Judge, Katihar to this extent that if the petitioner surrenders before the Sub divisional Judicial Magistrate, Katihar/ concerned court in connection with Mahila P.S. case no. 2/2015 within six weeks from today and seeks regular bail, the concerned court shall release the petitioner on provisional bail on the day of his surrender for a period of three 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.)

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