

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12575 of 2015

Arising Out of PS.Case No. -38 Year- 2013 Thana -BHORE District- GOPALGANJ

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1. Santosh Bhagat @ Santosh Kushwaha son of Rajan Bhagat, resident of village- Chakarwa Tola, Khiriya, P.s. Bhorey, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Priyanka Kushwaha, wife of Santosh Kushwaha, resident of village- Chakarwa Tola, Khiriya, P.s. Bhorey, District Gopalganj, at present residing of village Chhapia, P.S. Khampur, District Deoria (Uttar Pradesh)

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 18-05-2015

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner happens to be husband of the informant and charge sheet has already been submitted against the petitioner showing him absconder.

In view of the aforesaid facts and circumstances of the case, this anticipatory bail petition stands disposed off with direction to petitioner to surrender before the court below in connection with Bhorey P.S. Case No. 38 of 2013 pending in the court of Learned Sub Divisional Judicial Magistrate, Gopalganj within four weeks from the date of receipt/production of copy of this order and seek regular bail and if, the petitioner does so, with a proposal to keep the informant with him with full honour and dignity, the learned court below shall release the petitioner on

provisional bail for a period of two months on the day of his surrender on execution of bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each to his satisfaction and after release of the petitioner on provisional bail, the concerned court shall issue notice to the informant and the petitioner, fixing a date of reconciliation and shall take all positive steps to settle the dispute of the parties, even by way of one time settlement within the stipulated period of two months.

It is further 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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