

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12576 of 2015

Arising Out of PS.Case No. -1450 Year- 2011 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Awadhesh Singh S/o Late Jiut Singh Resident of village - Matihani
Madho, P.S. Mirganj, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Chameli Devi W/o Awadhesh Singh, D/o Nagina Bhagat Resident
of village - Matihani Madho, P.S. Mirganj, District - Gopalganj, At Present
residing at village - Bara Koirolli, P.S. Hathua, Distt. - Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-05-2015 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the complainant.

Petitioner apprehends his arrest in Complaint case No.
1450 of 2011 registered under sections 498A and 406 of the Indian Penal
Code.

Marriage of the complainant and petitioner was
solemnized in the year 1993 and after that she led her married life for a
considerable period but later on, the relation of the complainant and petitioner
became strained resulting into institution of the present case.

Learned counsel for the petitioner submits that he is
ready to keep the complainant with full honour and dignity and as a matter of
fact the complainant has been residing at her parental home since long. .

Learned counsel for the complainant has submitted that

the petitioner has solemnized second marriage with another lady.

Considering the aforesaid facts and circumstances as well as the submission of the parties, the anticipatory bail petition stands disposed of with a direction to the petitioner to surrender and seek regular bail before the court below within a period of four weeks from the date of receipt /production of a copy of this order and if he does so the concerned court shall release the petitioner on provisional bail for a period of four months on the day of his surrender on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of S.D.J.M, Gopalglanj in complaint case no. 1450 of 2011 and shall issue notice to the complainant and petitioner fixing the date for reconciliation and shall explore the possibilities to settle the dispute of the parties even by way of one time settlement. It is made clear that if the court below fails in his attempt due to rigidity 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 his prayer for regular bail shall be decided by the concerned court on its own merit without being prejudiced by this order. It goes without saying that if concerned court fails in his attempt due to rigid and non-cooperative approach of the complainant or succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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