

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30732 of 2014

Arising Out of PS.Case No. -179 Year- 2013 Thana -BAIRGANIA District- SITAMARHI

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1. Jageshwar Sah Son of Ram Ekbal Sah R/o Village Nandwara, P.S.
Bairgania, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi Wife of Jageshwar Sah R/o Village Nandwara, P.S.
Bairgania, District Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 24-03-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

No one appears on behalf of the opposite party no. 2,
though notices were issued to her and served upon her.

Petitioner apprehends his arrest in connection with
Bairgania Police Station Case No. 179 of 2013 registered for the
offences punishable under Sections 498A/34 of the Indian Penal
Code

Petitioner happens to be husband of the opposite party
no. 2 and the stand of the petitioner is that he is still ready to keep
the informant with full honour and dignity.

Learned counsel appearing for the petitioner submits

that the informant does not want to lead her conjugal life with the petitioner and that is the reason she had not come before this Court in spite of getting knowledge of this petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court of Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 179 of 2013 within six weeks from today and, if, petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court and after releasing the petitioner, the concerned court shall issue notice to the petitioner as well as opposite party no. 2 fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within four months from the date of issuance of the above stated notice. It goes without saying that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself, but if the concerned court fails in his attempt, due to rigid and non co-operative approach of the petitioner, the provisional bail granted to him shall not be confirmed by the

concerned court and in that event petitioner shall be taken into custody by the concerned court and his regular bail shall be decided on its own merit. It is needless to say that, if, the concerned court fails in his attempt, due to non co-operative and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

(Hemant Kumar Srivastava, J)

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