

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32745 of 2014

Arising Out of PS.Case No. -1255 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Dasarath Pandit S/o Burha Pandit Resident of village - Fatepur, P.S.
Sikarhata, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi W/o Dasharath Pandit, D/o Surendra Pandit Resident of
village - Sedahan, P.S. Tarari, District - Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Pandit

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 09-02-2015 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1255(C) of 2011 in which, cognizance
has been taken for the offence under Section-498(A) of the Indian
Penal Code and Section-3/4 of Dowry Prohibition Act.

The petitioner happens to be husband of the
complainant and it appears from perusal of the impugned order of
learned Sessions Judge that in spite of issuance of notice, she did
not appear before the learned Sessions Judge.

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 Sub Divisional Judicial Magistrate,/concerned court, Ara 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 Sub Divisional Judicial Magistrate,/concerned court, Ara in connection with Complaint Case No. 1255(C) of 2011.

It is further made clear after that 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 either due to rigid and non-cooperative approach of the complainant or her non-appearance the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

A.K.V./-

(Hemant Kumar Srivastava, J)

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