

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32134 of 2014

Arising Out of PS.Case No. -1957 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Sanaullah Son of Mumtaz Ali Resident of village - Samaspur Baki,
village - Bhawanipur, P.S. Abadpur, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Husun Ara Khatoon wife of Sanaullah, D/o Matiur Rahman Resident of
village - Jatahar Kol tola, Post Shivanandpur, P.S. Abadpur, District -
Katihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 03-02-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as also heard learned
counsel, appearing for opposite party No. 2.

The petitioner is husband of the opposite party No. 2 and
there is specific allegation against him that he solemnized his
second marriage with another girl but in spite of that, it is
submitted that the petitioner is still ready to keep the opposite
party No. 2 with full honour and dignity.

Taking note of the aforesaid submission as well as
facts and circumstances of the case, this petition stands disposed
off with direction to the petitioner to surrender before the court of
Sub Divisional Judicial Magistrate/concerned court, Katihar in
connection with Complaint Case No. 1957 of 2013 within four



weeks from the date of receipt/production of copy of this order and seeks regular bail and if, the petitioner does so, the concerned court shall release the petitioner 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, Katihar in connection with Complaint Case No. 1957 of 2013.

It is further made clear after 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 complainant refuses to reside with the petitioner on account of solemnization of second marriage, the concerned court shall not confirm the provisional bail of the petitioner and in that event, the concerned court shall decide the regular bail application of the petitioner on its own merit after taking the petitioner in custody without being prejudice by this order.

A.K.V./-

(Hemant Kumar Srivastava, J)

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