

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26478 of 2015

Arising Out of PS.Case No. -1221 Year- 2012 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Ezaz Son of Abdul Razzaque Resident of village- Gamharia, P.S.-
Jokihat, Dist.- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Rabina Khatoon Wife of Md. Ezaz Resident of village- Gamharia,
P.S.- Jokihat, District- Araria At Present Daughter of Md. Ayub Resident of
Rangdaha, P.S.- Araria, District- Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 17-07-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner happens to be husband of the complainant who apprehends his arrest in connection with Complaint Case No. 1221 C of 2012, in which; cognizance has been taken for the offence punishable under Section-498A, 323, 379/34 of the Indian Penal Code.

Admittedly, the marriage of the petitioner with the complainant had taken place 8 years ago and after marriage, the complainant gave birth to two children out of the aforesaid wedlock.

The stand of the petitioner is that the petitioner is still ready to keep the complainant with full honour and dignity but it is the complainant who does not want to lead her conjugal life with the petitioner.

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, Araria 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, Araria in connection with Complaint Case No. 1221 C of 2012.

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 reconciliation proceeding fails due to rigid and non-cooperative approach of the complainant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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