

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28548 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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1. Gunjan Kamat son of Bishundeo Kamat Resident of Kunauli, P.S. Kuanuli, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Buchchi Devi wife of Gunjan Kamat, D/o Jagdish Kamat Resident of Kunauli, P.S. Kuanuli, District - Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh
For the Opposite Party/s Mr. Jitendra Kr. Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 23.07.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the complainant and submission on his behalf is that he is 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 without any rhyme or reason.

Taking note of the aforesaid submissions as well as facts and circumstances, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Sub divisional Judicial Magistrate, Birpur (Supaul)/ concerned court in connection with Complaint case no. 68C/2015 within four weeks from the date of receipt /production of a copy of this order and seek regular bail and if petitioner does so, the concerned court shall release the petitioner on

provisional bail on the day of his surrender for a period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to his satisfaction.

Furthermore, after being released the petitioner 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 possible steps to patch up the dispute of the parties and in the above stated attempt, if the concerned court succeeds to patch up the dispute of the parties, the concerned court shall pass order for confirmation of bail of the petitioner but if the concerned court fails due to rigid approach of the petitioner, then, in that event, provisional bail of the petitioner will not be confirmed by the court below and in that event, petitioner shall be taken into custody and his regular bail application shall be decided by the concerned court on its own merit.

It goes without saying that if the aforesaid effort fails on account of rigid and non-cooperative approach of the complainant, the provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid (Hemant Kumar Srivastava, J.)

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