

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29026 of 2015

Arising Out of Complaint Case No. -1121 Year- 2011 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

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1. Pankaj Kumar Singh @ Pankaj Kumar Son of Sri Rudreshwari Singh,
Resident of Village - Mahuchak, P.S. - Rajoun, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Laxmi Devi, Wife of Pankaj Kumar Singh, D/o Late Suresh Mandal
Resident of Mohalla - Ishakchak, Shyam Lal Das Lane, P.S. - Ishakchak,
District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the State : Mr. Gopesh Kr. (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 28-07-2015 Heard learned counsel for the petitioner, learned
counsel for the complainant as well as learned Additional Public
Prosecutor for the State.

Petitioner happens to be husband of the complainant
(opposite party no. 2) and apprehends his arrest in connection with
Complaint Case No. 1121 of 2011 in which cognizance has been
taken for the offences punishable under Sections 498A, 323,
504/34 of the Indian Penal Code and ¾ of D.P. Act, pending in the
court of Sri A.R. Upadhaya, Judicial Magistrate 1st Class,
Bhagalpur.

It is submitted on behalf of the parties that petitioner

and complainant are ready to lead their conjugal life with each other though petitioner has filed divorce suit.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court below within four weeks from the date of receipt/production of copy of this order to the court concerned and if petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months on the day of his surrender 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 the above stated period of four months. 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 cooperative 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. It is needless to say that, if, the concerned court fails in his attempt due to non cooperative 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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