

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36856 of 2014

Arising Out of PS.Case No. -1597 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Shami Ahmad S/o - Md. Ishlam R/o Village - Muni Baingari, P.S. - Piar,
District - Muzaffarpur. **Petitioner.**

Versus

The State of Bihar. **Opposite Party.**

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pathak

For the Opposite Party/s : Mr. Nityanand(App)

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 11-02-2015

Heard learned counsel for the petitioner and learned
additional public prosecutor for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1597 of 2012, in Tr. No.4027/2014,
registered under Section-498A of the Indian Penal Code.

The contention on behalf of the petitioner is that the
petitioner is ready to keep the complainant with full honour and
dignity.

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
Chief Judicial Magistrate/concerned court, Muzaffarpur 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 Chief Judicial Magistrate/concerned court, Muzaffarpur in connection with Complaint Case No. 1597 of 2012, in Tr. No.4027/2014.

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 in case the reconciliation succeeds, the provisional bail granted to the petitioner shall be confirmed by the concerned court but if, the effort towards reconciliation fails 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.

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(V. Nath, J)