

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34056 of 2014

Arising Out of PS.Case No. -722 Year- 2013 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Butan Mandal Son of Budhu Mandal Resident of Village - Biri P.S.-
Udakishunganj, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 12-02-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is husband of the complainant and it
appears from perusal of impugned order of learned Session Judge
that reconciliation could not succeed as the petitioner refused to
give any undertaking supported with an affidavit or bond to this
effect that he would keep the complainant with full honour and
dignity.

The contention on behalf of the petitioner is that
petitioner is still ready to keep the complainant with full honour
and dignity but giving of under taking or execution of bond will
put the petitioner in trouble in future, if the complainant leaves the

petitioner without any cogent reasons.

Considering the aforesaid facts as well as submission of the parties, this petition stands disposed of, with direction to petitioner to surrender and seek regular bail before the court below within six weeks from today in connection with Complaint Case No. 722 of 2013, pending in the court of Sub-Divisional Judicial Magistrate, Madhepura and, if, petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months 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 four months from the date of issuance of the above stated notice. 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 co-operative 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 co-operation and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

However, it is made clear that the learned court below shall not compel the petitioner to execute undertaking or bond at the time of reconciliation of the matter.

Namita/-

(Hemant Kumar Srivastava, J)

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