

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42181 of 2014**

Arising Out of PS.Case No. -2027 Year- 2011 Thana -KATIHAR COMPLAINT CASE District-  
KATIHAR

=====

1. Md. Gulab Hussain Son of Md. Asgar Ali Resident of Village - Tinpania,  
P.S.-Korha, Dist.-Katihar

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Dr.Rabindra Kumar (App)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

4      30-07-2015      Heard learned counsel for petitioner and  
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection  
with Complaint Case No. 2027 of 2011 registered under  
Section-498(A) of the Indian Penal Code.

Petitioner happens to be husband of the complainant  
and there is allegation of torturing as well as illegal demand  
against him.

It appears from perusal of the record that this court  
issued notice to the complainant but in spite of valid service,  
she did not choose to appear before this court.

The contention on behalf of the petitioner is that

petitioner is still ready to keep the opposite party No. 2 with him or to settle the dispute.

In view of the aforesaid facts and circumstances of the case, this anticipatory bail petition stands disposed off with direction to petitioner to surrender before the court below in connection Complaint Case No. 2027 of 2011 pending in the court of Learned Sub Divisional Judicial Magistrate, Katihar within four weeks from the date of receipt/production of copy of this order and seek regular bail and if, the petitioner does so, with a proposal to keep the complainant with him with full honour and dignity, the learned court below shall release the petitioner on provisional bail for a period of four months on the day of his surrender on execution of bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each to his satisfaction and after release of the petitioner on provisional bail, the concerned court shall issue notice to the complainant and the petitioner, fixing a date of reconciliation and shall take all positive steps to settle the dispute of the parties, even by way of one time settlement within the stipulated period of two months.

It is further 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)**

A.K.V./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|