

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.619 of 2015

Arising Out of PS.Case No. -46 Year- 2014 Thana -MAHILA P.S. District- SEKHPURA

1. Gautam Kumar, son of Raj Kumar Mahto.
2. Raj Kumar Mahto, son of late Laljeet Mahto.
3. Deepa Kumari, D/o- Raj Kumar Mahto.
4. Umashankar Nonia, son of Late Shiv Nonia.
5. Malti Kumari, D/O- Umashankar Nonia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
 For the Opposite Party/s : Mr. Ganesh Pd. Singh(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 08-01-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Sheikhpura Mahila P.S. Case No. 46 of 2014 registered for the offences punishable under Sections 494, 498A/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

Admittedly, petitioner no. 1 is husband, petitioner no. 2 is father in law, petitioner no. 3 is unmarried *nanad* of informant and so far as petitioners no. 4 and 5 are concerned, they are alleged father in law and second wife of petitioner no.

1, respectively.

It would appear from perusal of the first information report that the allegation of demand of dowry has been levelled against the petitioners. From perusal of impugned order of learned Additional Sessions Judge, Sheikhpura it would appear that learned Additional Sessions Judge directed the petitioners to surrender before the court below and seek regular bail and furthermore, the court below was directed to pass appropriate order in the light of judgment delivered by this court as well as Hon'ble Apex Court.

The contention on behalf of the petitioners is that the petitioners are apprehending that if they surrender before the court below, they will be sent to judicial custody.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I think it proper to extend the privilege of anticipatory bail to petitioners no. 2 to 5 and accordingly, it is ordered that petitioners no. 2 to 5, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheikhpura in

Sheikhpura Mahila P.S. Case No. 46 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 1 is concerned, his prayer for anticipatory bail stands disposed of with direction to him to surrender and seek regular bail before the court below within six weeks from today and, if, he does so, the concerned court shall release him 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 him, the concerned court shall issue notice to him as well as informant 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 petitioner no. 1 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 petitioner no. 1, the provisional bail granted to him shall not be confirmed by the concerned court and in that event he 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 informant, the concerned court shall confirm the provisional bail granted to the petitioner no. 1.

(Hemant Kumar Srivastava, J)

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