

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2868 of 2015

Arising Out of PS.Case No. -904 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Md. Nesar son of Md. Alimuddin

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 21-01-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 904(C) of 2011in which cognizance has been
taken for the offence punishable under Section 498A of the Indian
Penal Code.

Petitioner is husband of the complainant and he
claims that he still wants to lead his conjugal life with the
complainant, for which he has already filed a suit for restitution of
his conjugal rights.

Taking the above stated stand of the petitioner this
anticipatory bail petition stands disposed of with direction to
petitioner to surrender and seek regular bail before the court
below within four weeks from today 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 chief Judicial Magistrate, Bhojpur, Ara in Complaint Case No. 904(C) of 2014 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 and his regular bail shall be considered 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.

All the above stated steps must be taken by the concerned court within four months from the date of release of the petitioner.

(Hemant Kumar Srivastava, J)

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