

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1779 of 2015

Arising Out of PS.Case No. -32 Year- 2013 Thana -MEDANICHOWK District- LAKHISARAI

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Mahesh Kumar @ Pinka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jainendra Kumar
For the Opposite Party/s Mr. Harendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 15.01.2015 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Medanichowki P.S. case no. 32/2013 registered for the

offences under sections 406, 498A, 494, 120B of the IPC

and section 3/ 4 of the D.P. Act.

At the very outset, it is pointed out by learned

counsel for the petitioner that the petitioner is ready to keep

the informant with full honour and dignity and, family

court has also passed a decree under section 9 of the Hindu

Marriage Act in favour of the petitioner directing the

informant to lead her conjugal life with the petitioner and it

is the informant who does not want to lead her conjugal life

with the petitioner.



Without entering into merit of the case and in view of the above stated submissions, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Sub divisional Judicial Magistrate, Lakhisarai/ concerned court in connection with Medanichowki P.S. case no. 32/2013 within three weeks from the date of receipt /production of a copy of this order and seek regular bail and if petitioner does so, the concerned court shall release the petitioner on provisional bail on the day of his surrender for a period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to his satisfaction.

Furthermore, after being released the petitioner on provisional bail, the concerned court shall issue notice to the petitioner as well as informant fixing a date for reconciliation and shall take all possible steps to patch up the dispute of the parties and in the above stated attempt, if the concerned court succeeds to patch up the dispute of the parties, the concerned court shall pass order for confirmation of bail of the petitioner but if the concerned court fails due to rigid approach of the petitioner, then, in that event, provisional bail of the petitioner will not be

confirmed by the court below and in that event, petitioner shall be taken into custody and his regular bail application shall be decided by the concerned court on its own merit keeping in mind the decree passed by the family court under section 9 of the Hindu Marriage Act.

It goes without saying that if the aforesaid effort fails on account of rigid and non-cooperative approach of the informant, provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid (Hemant Kumar Srivastava, J.)

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