

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34423 of 2014

Arising Out of PS.Case No. -230 Year- 2012 Thana -JAYNAGAR District- MADHUBANI

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1. Arun Kumar Singh, son of Sri Ramdeo Singh, resident of Village -
Laskariya Tole Khaira , PS. - Jaynagar , District - Madhubani .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 28-04-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Jaynagar P.S. Case No. 230 of 2012, in which, cognizance
has been taken for the offence punishable under Section-498A/379
of the Indian Penal Code and Section-3/4 of Dowry Prohibition
Act.

The petitioner happens to be husband of the
informant and it has, specifically, been averred in first information
report that the informant was beaten up by the petitioner and after
receiving injury, she got her treatment at Jaynagar Hospital, where
her fardbeyan was recorded but no FIR was lodged.

Learned counsel, appearing for the petitioner submits

that the informant is second wife of the petitioner and as a matter of fact, she does not want to reside along with the family members of the petitioner.

The notices had been issued to the informant but in spite of service of notice, she did not appear before this court.

However, it is contended on behalf of the petitioner that the petitioner is still ready to keep the informant with him with full honour and dignity.

In view of the aforesaid submissions, without entering into merit of the case, this petition stands disposed off with direction to the petitioner to surrender before the learned Chief Judicial Magistrate/concerned court, Madhubani and to seek regular bail within six weeks from the date of receipt/production of copy of this order and if, the petitioner does so, the petitioner shall be enlarged on provisional bail on the date of surrender itself, for a period of four months on furnishing bail bond of Rs 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/concerned court, Madhubani in connection with Jaynagar P.S. Case No. 230 of 2012 (G.R. No. 3272 of 2012).

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the

petitioner as well as the informant, fixing a date for reconciliation and shall take all efforts to patch up the dispute of the parties within four months from the date of surrender of the petitioner. It is also 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 informant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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