

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37253 of 2014

Arising Out of PS.Case No. -38 Year- 2012 Thana -SAKRI District- MADHUBANI

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1. Abhai Thakur @ Abhai Kumar Thakur Son of Late Arjun Thakur R/o
Village Andhari, P.S. Sadar Darbhanga, District Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Saraswati Devi D/o Deo Narayan Thakur, Wife of Abhai Kumar Thakur
At present resident of Village Mohan Bariham, P.S. Sakri, District
Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 31-07-2015 Heard learned counsel for petitioner and
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Sakri P.S. Case No. 38 of 2012 registered under Sections-498(A), 379 & other minor sections of the Indian Penal Code and Sections-3/4 of Dowry Prohibition Act.

Petitioner happens to be husband of the informant and stand of the petitioner is that he is ready to keep the informant but the informant is not interested to lead her conjugal life with the petitioner and that is why, in spite

of service of notice, she chose not to appear before this court.

Taking note 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 with Sakri P.S. Case No. 38 of 2012 pending in the court of Learned Sub Divisional Judicial Magistrate, Madhubani 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 informant 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 informant 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 four 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 informant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

This petition is, accordingly, stands disposed off.

(Hemant Kumar Srivastava, J)

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