

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4854 of 2015

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Kailash Sharma

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

For the Opposite Party/s Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 05.02.2015

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

Petitioner happens to be husband of the
complainant apprehends his arrest in connection with C.A.
no. 2488/2013 in which cognizance has been taken under
section 498A of the IPC.

Admittedly, marriage of the petitioner was
solemnized with the complainant nine years ago. It is also
an admitted position that after marriage, complainant gave
birth to two children out of the above stated wedlock.

Learned counsel for the petitioner submits that
petitioner is still ready to keep the complainant with full
honour and dignity and it is the complainant who does not
want to live with the petitioner. It is also pointed out by
him that the petitioner has filed Matrimonial suit no.

150/2013 for restitution of conjugal rights.



Taking note of the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Chief Judicial Magistrate, Purnea/ concerned court in connection with C.A. no. 2488/2013 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 complainant 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.

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

Shahid

(**Hemant Kumar Srivastava, J.**)

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