

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32029 of 2014

Arising Out of PS.Case No. -948 Year- 2012 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Md. Shoab @ Md. Shoab Alam. Son of Md. Musa Resident of village-
Rupauhali, P.S.- Parbatta, District- Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Jabbar Son of Late Manunath Ali Resident of village- Churamba,
P.S.- Kotwali, District- Munger

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 02-02-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Munger Mahila P.S. Case No. 41 of 2012.

The petitioner is husband of the opposite party No. 3
and after solemnization of marriage, opposite party No. 2, who
happens to be father of opposite party No. 3, filed Complaint Case
No. 948C of 2012 against the petitioner and others punishable
under Section-498A and other minor Sections of the Indian Penal
Code and subsequently, the opposite party No. 3 lodged Munger
Mahila P.S. Case No. 41 of 2012 against the petitioner and others
for the offences punishable under Sections-498A/34 of the Indian

Penal Code and Section-3/4 of Dowry Prohibition Act.

The complaint case No. 948C of 2012 was quashed by a coordinate bench of this court vide order dated 13-11-2014 passed in Cr. Misc. No. 21387 of 2014.

The contention on behalf of the petitioner is that the petitioner is ready to keep the complainant 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 Sub Divisional Judicial Magistrate,/concerned court, Munger and seek regular bail within four 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 Sub Divisional Judicial Magistrate,/concerned court, Munger in connection with Munger Mahila P.S. Case No. 41 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 complainant, 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 complainant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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