

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5006 of 2015

Arising Out of PS.Case No. -1849 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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1. Ranjeet Mahto son of Manesh resident of village - Harira, P.S. Kursa Kanta, Distt. - Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi wife of Ranjeet Mahto resident of Balchanda, D/o Dhanik Lal Mahto, resident of village - Harira, P.S. Kursa Kanta, Distt. - Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 05-02-2015 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 1849C of 2013 in which, cognizance has been taken under Section-498A of the Indian Penal Code.

The petitioner appears to be husband of the complainant and it is alleged that he along with other accused forced the complainant to solemnize her marriage with the petitioner and when the marriage was solemnized, the petitioner and other accused started torturing the complainant in various ways.

The contention on behalf of the petitioner is that the



petitioner is still ready to keep the complainant with full honour and dignity but the complainant herself does not want to lead her conjugal life with the petitioner. It is also pointed out by him that the learned Sessions Judge had issued notice to the complainant at the time of hearing of Anticipatory bail petition No. 16 of 2014 but the complainant failed to appear before the learned Sessions Judge. It is contended by him that the aforesaid fact has not been mentioned in the impugned order of learned Sessions Judge but it has been, specifically, mentioned at paragraph-9 of the instant bail petition.

In view of the aforesaid facts and circumstances as well as 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, Araria 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, Araria in connection with Complaint Case No. 1849C of 2013.

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 the date of his surrender itself 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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