

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5439 of 2015

Arising Out of PS.Case No. -32 Year- 2013 Thana -ANDHRATHARI District- MADHUBANI

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1. Manoj Kumar Yadav Son of Kusum Yadav Resident of village - Kaluha,
P.S. Andhara Tharhi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Manoj Kumar Yadav Resident of village - Kaluha,
P.S. Andhara Tharhi, District - Madhubani, Presently residing with her
father Sri Jagdeo Yadav, Resident of village - Basha, P.S. Babubarahi,
District - Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s Mr. Madhuri Lata(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 10.02.2015 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the informant

and apprehends his arrest in connection with Andhara
Tharhi P.S. case no. 32/2013 registered under sections
498A, 323, 341, 504/34 of the IPC and sections 3/ 4 of the
D.P. Act.

There is allegation of torturing against the
petitioner but from perusal of the impugned order of
learned Sessions Judge, I find that informant is still ready
to live with her husband and before this court submission
on behalf of the petitioner is that the petitioner is also ready

to lead his conjugal life with her.



In view of the aforesaid facts and circumstance, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Addl. Chief Judicial Magistrate, Jhanjharpur District Madhubani/ concerned court in connection with Andhara Tharhi P.S. case no. 32/2013 within four weeks from today 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 informant 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 informant except her denial on the point of assault, the provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid (Hemant Kumar Srivastava, J.)

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