

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7002 of 2015

Arising Out of PS.Case No. -344 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Lalan Jha @ Sanjay Kumar Jha @ Sanjay Jha S/o Shardanand Jha
.... Petitioner/s

Versus

1. The State of Bihar.
2. Annu Devi, wife of Lalan Jha @ Sanjay Jha, D/o-Bindu Nath Jha

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar

For the Opposite Party/s : Mr. Dinesh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 02-04-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State. Also heard

learned counsel appearing for the opposite party no. 2.

Petitioner apprehends his arrest in connection with

C.R. Case No. 344 of 2013 in which cognizance has been taken

for the offences punishable under Sections 498A, 323, 504/34 of

the Indian Penal Code.

Petitioner happens to be husband of the complainant

and submission on behalf of the petitioner is that though the

dispute of the parties could not be resolved before this Court but

there is still possibility of resolving the dispute of the parties.

Learned counsel appearing for the opposite party no.

2 submits that the opposite party no. 2 is still ready to lead her

conjugal life with the petitioner but it is petitioner who has created the entire problem.

It is obvious from perusal of the complaint petition that after marriage, opposite party no. 2 gave birth to a child and, therefore, in my view, in the interest of child of the parties, one chance should be given to them to patch up their dispute.

Accordingly, this petition stands disposed of with direction to petitioner to surrender before the court of Sri V. Bharadwaj, Judicial Magistrate 1st Class, Madhubani or his successor on 16.04.2015 in connection with C.R. Case No. 344 of 2013 corresponding to Trial No. 4563 of 2013 and seek regular bail and if petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of two months on the day of his surrender on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court. Furthermore, the opposite party no. 2 is directed to appear before the court below on 16.04.2015 and after appearance of both the parties, the concerned court shall take all possible steps to patch up the dispute of the parties. It goes without saying that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself, but if the concerned court fails in his

attempt due to rigid and non cooperative approach of the petitioner, the provisional bail granted to him shall not be confirmed by the concerned court. It is needless to say that, if, the concerned court fails in his attempt due to non cooperative and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner. It is made clear that all the above stated efforts must be completed within the period of two months from the date of surrender of the petitioner. It is also made clear that if the conciliation proceeding fails due to fault of the petitioner, the petitioner shall be taken into custody and his regular bail petition shall be disposed of on its own merit without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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