

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9070 of 2015

Arising Out of PS.Case No. -1640 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Satyendra Sahani son of Ekbali Sahani, Resident of village- Mauza Baghwar, P.S.- Sidhwaliya, District- Gopalganj. At present resident of village- Chhotka Bareya, P.S.- Barauli, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Bhular Devi wife of Satyendra Sahani Daughter of late Tilak Sahani, Resident of village- Baghwar, P.S.- Sidhwaliya, District- Gopalganj. At present resident of village- Dhanauti, P.S.- Panapur, District- Saran (Chapra)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 15-05-2015 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. 1640 of 2013, in which, cognizance has been taken for the offence punishable under Section-498A/406 of the Indian Penal Code.

The petitioner happens to be husband of opposite party No. 2 and stand of the petitioner is that he is ready to keep the opposite party No. 2 with full honour and dignity.

Learned counsel, appearing for opposite party No. 2

submits that the opposite party No. 2 is also ready to lead her conjugal life with the petitioner.

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 Shri A. V. Dhar, learned Judicial Magistrate-Ist Class/concerned court, Gopalganj 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 Shri A. V. Dhar, learned Judicial Magistrate-Ist Class/concerned court, Gopalganj Complaint Case No. 1640 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 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)

A.K.V./-

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