

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11892 of 2015

Arising Out of PS.Case No. -100 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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1. Santosh Sah Son of Shravan Sah R/o Village - Mukundpur, P.S. -
Charpokhari, Distt. - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi Wife of Santosh Sah R/o Village - Khanani Khurd, P.S. -
Agiyaon Bajar, Distt. - Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay

For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 27-03-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 100 of 2014, in which, cognizance has been taken for the offence punishable under Section-498A/406/34 of the Indian Penal Code Sections-498(A), 323, 324, 379, 149 of the Indian Penal Code and Section-3/4 of Dowry Prohibition Act.

The petitioner happens to be husband of the informant and he is ready to keep the informant with full honour and dignity but it appears from perusal of the impugned order dated 05-02-2015 that in spite of issuance of notice, the informant did not appear before the learned Sessions Judge.



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, Bhojpur at Ara and to 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, Bhojpur at Ara in connection with Mahila P.S. Case No. 100 of 2014.

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the informant, 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 informant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

A.K.V./-

(Hemant Kumar Srivastava, J)

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