

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6969 of 2015

Arising Out of PS.Case No. -156 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Md. Sonib @ Md. Salim @ Salim son of Md. Mosim Resident of
Mohalla - Barahpura, Police Station - Ishakchak, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anguri Begum wife of Md. Sonib @ Md. Salim, daughter of Anwar
resident of village & P.O. Lakhanpur, Police Station - Tarapur, District -
Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Opposite Party/s Mr. Sanjay Kumar Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 23.02.2015 Learned counsel for the petitioner is permitted to make

necessary correction in prayer portion of this petition within course

of the day.

Heard learned counsel for the petitioner, learned Addl.

Public Prosecutor for the State as well as learned counsel for the

complainant.

Admittedly, petitioner is husband of the complainant and he

has filed matrimonial suit for restitution of his conjugal rights but it

appears from the impugned order as well as order of the Women

commission that the complainant is not ready to lead her conjugal

life with the petitioner rather she is interested in one time settlement.

Considering the aforesaid submissions of the parties, this

anticipatory bail stands disposed of with direction to petitioner to

surrender before the Sub divisional Judicial Magistrate, Munger/
concerned court in connection with Complaint Case No. 156C/2014
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 complainant 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
complainant, the provisional bail of the petitioner shall be confirmed
by the court below itself.

Shahid

(Hemant Kumar Srivastava, J.)

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