

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12960 of 2015

Arising Out of PS.Case No. -2540 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Md. Ebadul S/o Md. Amin Resident of Village Dauaniya, P.S. Sadar
Ranipatra (Muffasil), District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Nesha W/o Md. Ebadul, D/o Khursheed Alam Resident of Village
Dauaniya, P.S. Sadar Ranipatra (Muffasil), District Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Rajendra Singh Shastri Jee(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 26-06-2015 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as also heard learned

counsel for the complainant.

The petitioner apprehends his arrest in connection
with C. A. Case No. 2540 of 2013, in which, cognizance has been
taken for the offence punishable under Section-498A of the Indian
Penal Code.

The petitioner happens to be husband and at the
outset, it is submitted on behalf of the petitioner that he is ready to
keep the complainant with him with full honour and dignity and it
is the complainant who does not want to lead her conjugal life

with the petitioner.

From perusal of the statement of complainant, recorded on S.A. it is apparent that she 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 the Learned Sub Divisional Judicial Magistrate,/concerned court, Purnea 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 Learned Sub Divisional Judicial Magistrate,/concerned court, Purnea in connection with C. A. Case No. 2540 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.

A.K.V./-

(Hemant Kumar Srivastava, J)

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