

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8845 of 2015

Arising Out of PS.Case No. -1668 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Ramashish Sah Son of Suresh Sah Resident of Village : Malpurwa, P.S.
Bagaha , District : West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shila Devi wife of Ramashish Sah and Daughter of Late Ganga Sah
Resident of Village : Singari, P.S. Bagaha, District : West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Opposite Party/s : Mr. Smt.Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 09-03-2015 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State, as also heard learned

counsel appearing for the complainant.

The petitioner apprehends his arrest in connection

with Complaint Case No. 1668 (C) 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 of opposite

party No. 2 and it is the stand of the petitioner that he is ready to

keep the opposite party No. 2 with full honour and dignity but it is

the opposite party No. 2, who does not want to lead her conjugal

life with the petitioner.

Learned counsel, appearing for the opposite party No. 2 is also ready to lead her conjugal life though the petitioner has already filed divorce suit against the opposite party No. 2 on the ground of her mental condition.

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 Chief Judicial Magistrate, /concerned court, Bettiah, West Champaran 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 Chief Judicial Magistrate, /concerned court, Bettiah, West Champaran in connection with Complaint Case No. 1668 (C) 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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