

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9699 of 2015

Arising Out of Complaint Case No. -471 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Md. Meraj @ Neraj Son of Abdul Rashid Resident of Village-
Bhikhanpur Saif, Police Station-Maniari, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jinat Praveen Wife of Meraj Resident of Village-Bhikhanpur, P.S.-
Maniari, District-Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar
For the Opposite Party/s : Mr. R.B.S.Pahepuri(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 25-06-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Complaint Case No. 471 of 2013 in which cognizance has been

taken for the offences punishable under Sections 323, 504/34, 498

A of the Indian Penal Code.

Petitioner happens to be husband of the complainant

(opposite party no. 2) and he is ready to keep the complainant with

full honour and dignity.

The opposite party no. 2 is not present before this

court despite of service of notice upon her brother.



It would appear from perusal of impugned order that learned Sessions Judge had taken pain to patch up the dispute of the parties and petitioner assured the court to file undertaking to the effect for keeping the complainant in good and congenial atmosphere but subsequently, he did not file any undertaking before the learned Sessions Judge.

In the aforesaid circumstance, this petition stands disposed of with direction to petitioner to surrender before the court of Sub Divisional Judicial Magistrate, (West) Muzaffarpur in connection with Complaint Case No. 471 of 2013 within four weeks from today and seek regular bail and if petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months on the day of his surrender on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court and after releasing the petitioner, the concerned court shall issue notice to the petitioner as well as opposite party no. 2 fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties even by way of one time settlement. It goes without saying that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself, but if the concerned court fails in his

attempt due to rigid and non cooperative approach of the petitioner, the provisional bail granted to him shall not be confirmed by the concerned court and in that event petitioner shall be taken into custody by the concerned court. It is needless to say that, if, the concerned court fails in his attempt due to non cooperative and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner. It is also made clear that the concerned court shall not pressurize the petitioner to execute any undertaking.

(Hemant Kumar Srivastava, J)

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