

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1780 of 2015

Arising Out of PS.Case No. -954 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Raisul Azam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 15.01.2015 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

CA case no. 954/2014 in which cognizance has been taken

under section 498A/34 of the IPC and section 4 of the D.P.

Act.

Admittedly, marriage of the petitioner with

opposite party no.2 was solemnized in the year 2005 and

opposite party no.2 led her conjugal life along with the

petitioner happily and peacefully for more than 5 to 6 years

but later on, dispute cropped up between the parties.

The contention on behalf of the petitioner is that

petitioner is still ready to keep opposite party no.2 with full

honour and dignity and, as a matter of fact, dispute of the

parties had been referred by the learned Sessions Judge to Mediator where opposite party no.2 agreed to lead her conjugal life with the petitioner but when the matter was again put up before learned Sessions Judge, she retreated back and started making allegation against the petitioner.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Sub divisional Judicial Magistrate, Katihar/ concerned court in connection with CA case no. 954/2014 within three weeks from the date of receipt /production of a copy of this order 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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