

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5146 of 2015

Arising Out of PS.Case No. -294 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

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1. Sanjay Mahto Son of Jangli Mahto Resident of vill-Bhagwanpur
Ekdanga,P.S-Mirganj,Distt-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt Shanti Devi D/O Basadh Mahto Resident of vill-Maridani Nain,P.S-
Mirganj,Distt.-Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilanjan Chatterjee

For the Opposite Party/s : Mr. Anuradha Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-02-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Mirganj P.S. Case No. 294 of 2014 registered for the offence
under Sections-498A, 406, 323 & 149 of the Indian Penal Code
and Section-3 & 4 of Domestic Violence Act.

The contention on behalf of the petitioner is that the
petitioner is ready to keep the complainant with full honour and
dignity but the informant does not want to lead her conjugal life
with the petitioner and she has brought the present case with an
intent to harass the petitioner.

From perusal of the impugned order of learned

Sessions Judge, I find that the learned Sessions Judge had taken attempt to patch up the dispute of the parties, but he could not succeed in his attempt.

However, in view of the submissions of the petitioner, I think it proper to give one more opportunity to the parties to patch up their dispute and accordingly, this petition stands disposed off with direction to the petitioner to surrender before the learned Chief Judicial Magistrate, Gopalganj and seek regular bail within six 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, Gopalganj in connection with Mirganj P.S. Case No. 294 of 2014.

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the informant, 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 informant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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