

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3955 of 2015

Arising Out of PS.Case No. -1732 Year- 2013 Thana -WEST CHAMPARAN GRP CASE District-
WESTCHAMPARAN(BETTIAH)

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Lalji Patel

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 29-01-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner, being husband of the opposite party
No. 2 apprehends his arrest in connection with Complaint Case
No. 1732 C of 2013, in which, cognizance has been taken for the
offence punishable under Section-498A of the Indian Penal Code.

The contention on behalf of the petitioner is that the
opposite party No. 2 herself does not want to live with the
petitioner and as a matter of fact, the petitioner has already filed a
suit for restitution of conjugal rights.

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, West Champaran



Bettiah 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, West Champaran Bettiah in connection with Complaint Case No. 1732 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.

(Hemant Kumar Srivastava, J)

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