

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19398 of 2015

Arising Out of PS.Case No. -140 Year- 2015 Thana -BETTIAH TOWN District- WEST
CHAMPARAN(BETTIAH)

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1. Sheikh Mohammad Rafiullah Son of Sheikh Sainullah, Resident of Village - Line Sugauli, Ward No. 18, P.S. - Sagauli, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Naz Fatima Wife of Sheikh Mohammad Rafiullah and Daughter of Rizwan Ahmad, Resident of Mohalla - Kalibag, Near Liberty Cinema, Bettiah, P.S. - Bettiah Town, District - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. T.N.Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 15-05-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner being husband of the opposite party no. 2 apprehends his arrest in connection with Bettiah Town P.S. Case No. 140 of 2015 registered for the offences punishable under Sections 498A/34 of the Indian Penal Code, pending in the court of Chief Judicial Magistrate, West Champaran, Bettiah.

The submission on behalf of the petitioner is that he is ready to keep the informant with full honour and dignity but it is informant who does not want to lead her conjugal life with the petitioner which is evident from perusal of impugned order of

learned Sessions Judge itself.

In view of the aforesaid submissions, without entering into the merit of this case, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court below within four weeks from the date of receipt/production of copy of this order to the court concerned 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 within the above stated period of four months. 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.

(Hemant Kumar Srivastava, J)

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