

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24622 of 2015

Arising Out of PS.Case No. -1412 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Md. Mister Son of Mansoor Alam Resident of Village - Kanharia Kothi
Tola, P.S. Dagorwa, District Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shabila W/o Md. Mister, D/o Md. Maniruddin Resident of Village -
Rojitpur, Nagar Nigam, Ward No. 45, P.S. Town, District Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan
For the Opposite Party/s Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 13.07.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the opposite party no.2
and submission on behalf of the petitioner is that opposite party no.2
left her matrimonial home in the year 2011 and after two years, she
filed the present case making allegation that petitioner had given
threat on phone. It is further contended by him that, as a matter of
fact, the petitioner is ready to keep opposite party no.2 but she,
herself, does not want to lead her conjugal life with the petitioner.

In view of the aforesaid submission, this anticipatory bail
stands disposed of with direction to petitioner to surrender before the
Chief Judicial Magistrate, Katihar/ concerned court in connection
with Complaint case no. 1412/2013 within four 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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