

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1786 of 2015

Arising Out of PS.Case No. -5 Year- 2013 Thana -MAHILA P.S. District- SAMASTIPUR

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Md. Shakeel

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 15-01-2015

Heard learned counsel for the petitioner and

learned counsel, appearing for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 05 of 2013 registered for the offence under Section-498A of the Indian Penal and Section-3/4 of Dowry Prohibition Act.

The contention on behalf of the petitioner is that the petitioner is ready to keep the complainant with full honour and dignity.

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 court of Chief Judicial Magistrate, Samastipur and seek regular bail within four weeks from the date of receipt/production of copy of the order and if, the petitioner does so, the petitioner shall be enlarged on provisional bail on the date of his surrender for a period of four

months on furnishing bail bonds of Rs 10,000/- (ten thousand) of the like amount each to the satisfaction of the concerned court.

It is further made clear that 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, 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 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 order on his regular bail petition shall be passed on its own merit without being prejudice by this order.

It goes without saying that if, the reconciliation proceeding fails due to non-cooperative and rigid 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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