

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2165 of 2015

Arising Out of PS.Case No. -130 Year- 2014 Thana -VAISHALI COMPLAINT CASE District-
VAISHALI (HAJIPUR)

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1. Sushil Kumar @ Sushil Sharma Son of Late Hari Sharma Resident of
Village - Vehadih, P.S- Mufassil, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anuradha Sharma Wife of Suhsil Kumar, Daughter of Rabindra Sharma
Resident of Village - Vejhadih, P.S- Muffasil, District - Samastipur. At
present Naihar Village - Khorampur, P.S- Goraul (Kathara O.P), District -
Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas
For the Opposite Party/s : Mr. Pronati Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 19-01-2015 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
(complainant) apprehends his arrest in connection with Complaint
Case No. C1-130 of 2014 in which cognizance has been taken for
the offences punishable under Sections 498A of the Indian Penal
Code and ¾ of Dowry Prohibition Act, pending in the court of
Chief Judicial Magistrate, Vaishali at Hajipur

It would appear from perusal of the impugned order
that the learned Sessions Judge attempted to get the dispute of the
parties resolved but he could not succeed in his attempt and it has

been observed by the learned Sessions Judge in the impugned order that opposite party no. 2 (complainant) refused to lead her conjugal life with the petitioner on this or that pretext.

Learned counsel appearing for the petitioner submits that petitioner was ready to keep the complainant and he is still ready to keep her with full honour and dignity but it is complainant who does not want to lead her conjugal life with the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 six 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 (complainant) fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties. 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 and his prayer for regular bail shall be disposed of by the concerned court on its own merit on the same day. 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 (complainant), the concerned court shall confirm the provisional bail granted to the petitioner. The concerned court shall conclude the conciliation proceeding within four months from the date of issuance of notice to the parties and it is also made clear that the concerned court shall be at liberty to resolve the dispute of the parties even in the way of one time settlement.

(Hemant Kumar Srivastava, J)

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