

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6204 of 2015

Arising Out of PS.Case No. -1064 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Ravindra Mahto son of Late Heera Mahto ,, Resident of village- Shreepur Bhatwaliya P.S.- Sugauli, district- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rambha Devi wife of Ravindra Mahto Resident of Village Shreepur Bhatwaliya, P.S.- Sugauli, District- East Champaran.,
Daughter of Jagarnath Mahto at Present resident of village- Badaharpur, P.s. Harsidhi, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii
For the Opposite Party/s Mr. Akbar Ali(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 16.02.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner is husband of the complainant and his marriage was solemnized 25 years back but allegedly, petitioner developed illicit relation with a lady of Jhalandhar State of Punjab and due to the aforesaid illicit relation, petitioner used to torture the complainant.

Learned counsel for the petitioner submits that the petitioner is ready to keep the complainant with full honour and dignity and it is the complainant who does not want to lead conjugal life with him. It is further contended by him that so far as allegation of illicit relation with another lady is concerned, the same is noting but a baseless allegation.

In view of the aforesaid submissions, this anticipatory bail

stands disposed of with direction to petitioner to surrender before the Chief Judicial Magistrate, East Champaran at Motihari/ concerned court in connection with Trial no. 1048/2014 arising out of Complaint Case No. 1064/2012 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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