

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29351 of 2014

Arising Out of PS.Case No. -133 Year- 2013 Thana -GOPALPUR District- GOPALGANJ

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1. Noor Hassan Ansari S/o Hanif Ansari Resident of Village Hafua Chaturbhuj, P.S. Tareya, District Kushinagar (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Afsari Khatoon W/o Noor Hassan Ansari Resident of Village Hafua Chaturbhuj, P.S. Tareya, District Kushinagar (Uttar Pradesh). Presently residing at C/o Rahim Ansari, Village Ojha Chari, P.S. Gopalpur, District Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5
For the Opposite Party/s Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

06 25.06.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State and also heard learned counsel for the informant.

Petitioner happens to be husband of the informant and stand of the petitioner is that he is still ready to keep informant with him but informant does not want to lead her conjugal life with the petitioner.

Learned counsel for the petitioner submits that the informant deserted the petitioner for which petitioner filed a suit for restitution of conjugal rights and after filing the aforesaid suit, informant got this false case lodged against the petitioner.

Learned counsel for the informant submits that the dispute of the parties may be resolved by directing the petitioner to make a

lump-sum amount to the informant.

Considering the aforesaid facts and circumstances of the case, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Chief Judicial Magistrate, Gopalganj/ concerned court in connection with Gopalpur P.S. case no. 133/2013 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 informant fixing a date for reconciliation and shall take all possible steps to patch up the dispute of the parties even by way of one time settlement 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 informant, the provisional bail of the petitioner shall be confirmed by the court



below itself.

Shahid

(Hemant Kumar Srivastava, J.)

