

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8803 of 2015

Arising Out of PS.Case No. -16 Year- 2014 Thana -MAHILA P.S. District- PATNA

=====

1. Ashwini Kumar @ Ashwani Kumar S/o Bimleshwar Kumar Resident of Mohalla- Saguna(Ashok Tal) P.S. Danapur District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Aradhana Kumari D/o Dilip Keshri Resident of Mohalla Golghar Chauraha, P.S. Gandhi Maidan, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ra suresh Rai
For the informant Mr. Anuj Kumar
For the Opposite Party/s : Mr. Arun Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State and learned counsel for the informant.

Petitioner apprehends his arrest in connection with Mahila Police Station Case No. 16 of 2014 registered for the offences punishable under Sections 498A and 323/34 of the Indian Penal Code.

Petitioner happens to be husband of the informant and his marriage was solemnized with the informant on 28.06.2012 but subsequently, differences cropped up between the petitioner and the informant resulting filing of the present case.



At the very outset, learned counsel appearing for the petitioner submits that petitioner is ready to keep the informant with full honour and dignity. Learned counsel appearing for the informant, points out that in the court of Session Judge, Patna petitioner challenged the validity of the marriage but even then the informant is ready to patch up the dispute with the petitioner.

Considering the aforesaid facts and circumstances as well as submission of the parties, this petition stands disposed of with direction to the petitioner to surrender and seek regular bail before the Judicial Magistrate 1st class, Patna in connection with Mahila P.S.Case No. 16 of 2014, within six weeks from today and, if, petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months 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 fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within six months from the date of issuance of the above stated notice. 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 co-operative 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 by the concerned court and his regular bail shall be decided by the concerned court on its own merit. It is needless to say that, if, the concerned court fails in his attempt due to non co-operation and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

It is also made clear that in course of reconciliation if parties intend to enter in one time settlement the concerned court shall permit the parties to settle their dispute by way of one time settlement and shall proceed with the case in the manner as stated above.

(Hemant Kumar Srivastava, J)

Namita/-

U		T	
---	--	---	--