

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10571 of 2015

Arising Out of PS.Case No. -1379 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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1. Kamlesh Rai Son of late Baban Rai resident of village- Jaso, P.s. Buxar
Mufassil, in the district of Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Suman Devi D/o Prem chandra Rai, wife of Kamlesh Rai presently
residing in village Sahpur Patti, P.S. Shahpur in the district of Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 18-05-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Complaint Case No. 1379 C of 2011 registered for the offences

punishable under Sections 498A of the Indian Penal Code.

Petitioner happens to be the husband of the complainant

and submission on his behalf is that he is ready to keep the

complainant with full honour and dignity.

Learned counsel appearing for complainant submits that

the complainant also wants to lead her conjugal life with the

petitioner but she has still some apprehension in her mind about

the ill-behaviour of the petitioner.

Without entering into the merit of this case, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court of Sub-divisional Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 1379C of 2011 within four 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 four 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 on its own merit. It is

needless to say that, if, the concerned court fails in his attempt,
due to non co-operative and rigid approach of the opposite party
no. 2, the concerned court shall confirm the provisional bail
granted to the petitioner.

(Hemant Kumar Srivastava, J)

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