

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26444 of 2015

Arising Out of PS.Case No. -37 Year- 2014 Thana -MAHILA P.S. District- SAHARSA

Sushil Sah & Ors

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s Mr. Rajendra Singh Shastrijee (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 17.07.2015 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioner no.1 is husband, petitioner no.2 is married
Nanad and petitioner no.3 is mother-in-law of the informant.

It would appear from perusal of the first information report that prior to institution of this case, informant had filed a petition before Mahila police station, Saharsa and due to intervention of the police, relation of the parties restored and at the time of reconciliation, petitioner no.1 had given bond to this effect that he would keep the informant with full honour and dignity and when the informant was taken away to her matrimonial home, she was, again, put into cruelty and torture and ultimately, she was ousted from her matrimonial home.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within four weeks from the date of receipt of this

order to the concerned court, let petitioner nos. 2 and 3, namely, Bechni Devi and Sugiya Devi be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Saharsa Mahila P.S. Case no. 37/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no.1, namely, Sushil Sah is concerned, his prayer for anticipatory bail stands disposed of with direction to him to surrender before the Chief Judicial Magistrate, Saharsa/ concerned court in connection with Saharsa Mahila P.S. Case no. 37/2014 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 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.

However, it is made clear that in course of reconciliation, if the concerned court comes to the conclusion that there is prima facie material to show that petitioner no.1 has solemnized his second marriage with another girl, the concerned court shall not confirm provisional bail of petitioner no.1.

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(Hemant Kumar Srivastava,J)

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