

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7881 of 2015

Arising Out of PS.Case No. -120 Year- 2014 Thana -RUPAULI District- PURNIA

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1. Samir Kumar Sah @ Samir Kumar Son of Sri Heera Lal Sah, Resident of Village - Gerabari Bazar, P.S. - Korha, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gunja Kumari, D/o Shambhu Sah, Resident of Village - Biroli, P.S. - Rupouli, District - Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 02-07-2015 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as also heard learned counsel, appearing for opposite party No. 2.

The petitioner happens to be husband of opposite party No. 2 and apprehends his arrest in connection with Rupouli P.S. Case No. 120 of 2014 registered under Sections-341, 323, 498A of the Indian Penal Code and Sections-3/4 of Dowry Prohibition Act.

The marriage of the opposite party No. 2 was solemnized with the petitioner in the year, 2008 and in the year, 2013, she gave birth to a female child. It is alleged that after birth of a female child, the demand of dowry was made

and the opposite party No. 2 was ousted from her matrimonial home as the petitioner has solemnized his second marriage with one Rupa Devi.

The factum of second marriage is denied by the petitioner and it is contended on his behalf that he is ready to keep the informant with him with full honour and dignity and he is also ready to get resolved the dispute even by one time settlement.

In view of the aforesaid facts and circumstances of the case, this anticipatory bail petition stands disposed off with direction to petitioner to surrender before the court below in connection with Rupouli P.S. Case No. 120 of 2014 pending in the court of Sri S. Gandhi, Judicial Magistrate-Ist Class, Purnea within four weeks from the date of receipt/production of copy of this order and seek regular bail and if, the petitioner does so, with a proposal to keep the opposite party No. 2 with him with full honour and dignity, the learned court below shall release the petitioner on provisional bail for a period of four months on the day of his surrender on execution of bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each to his satisfaction and after release of the petitioner on provisional

bail, the concerned court shall issue notice to the opposite party No. 2 and the petitioner, fixing a date of reconciliation and shall take all positive steps to settle the dispute of the parties, even by way of one time settlement within the stipulated period of two months.

It is further made clear that if, the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court but if, the concerned court fails in his attempt due to rigid and non-cooperative approach of the petitioner, the provisional bail granted to the petitioner shall not be confirmed by the concerned court and in that event, the petitioner shall be taken into custody and on his regular bail petition, the order shall be passed on its own merit without being prejudiced by this order. It goes without saying that if the reconciliation proceeding fails due to rigid and non-cooperative approach of the opposite party No. 2, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

A.K.V./-

(Hemant Kumar Srivastava, J)

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