

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25576 of 2013

Arising Out of PS.Case No. -259 Year- 2010 Thana -COMPLAINT CASE District- SHEOHAR

- =====
1. Sukul Baitha @ Ramesh Baitha S/O Late Jail Baitha
2. Pooja Devi W/O Sukul Baitha @ Ramesh Baitha
Both resident of Village- Dhankaul, P.S.- Piprahi, District- Sheohar

.... Petitioner/s

Versus

1. The State Of Bihar & ano

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s Mr. Anant Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05/ 07.05.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State and also heard learned counsel
for opposite party no.2.

It appears from contents of complaint petition that dispute
arose between petitioner no.1 and opposite party no.2 on account of
solemnization of second marriage by petitioner no.1 with petitioner
no.2.

In course of hearing, both parties submit that they are ready
to lead their conjugal life together.

Considering the aforesaid facts and circumstances as well as
submissions of the parties, let petitioner no.2, namely, Pooja Devi, in
the event of arrest/ surrender within four weeks from the date of
receipt of this order to the concerned court, be released on bail on
furnishing bail bonds of Rs 10,000/- with two sureties of the like

amount each to the satisfaction of the Sub divisional Judicial Magistrate, Sheohar in Complaint case no. C-I/ 259/2010 subject to condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no.1 (Sukul Baitha @ Ramesh Baitha) is concerned, without entering into the merit of the case, this anticipatory bail stands disposed of with direction to him to surrender before the Sub divisional Judicial Magistrate, Sheohar / concerned court in connection with Complaint case no. C-I/ 259/2010 within four weeks from the date of receipt /production of a copy of this order and seek regular bail and if he does so, the concerned court shall release him 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 petitioner no.1 on provisional bail, the concerned court shall issue notice to petitioner no.1 as well as complainant 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 petitioner no.1 but if the concerned court fails due to rigid approach of petitioner no.1, then, in that event, provisional bail of the petitioner no.1 will not be confirmed by the court below and in that event, petitioner no.1 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 complainant, the provisional bail of petitioner no.1 shall be confirmed by the court below itself.

shahid

(Hemant Kumar Srivastava,J)

