

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38408 of 2014

Arising Out of PS.Case No. -4 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

=====

1. Sanjiv Kumar @ Rajesh Son of Kapildeo Rai Resident of Village -
Raghunathpur, P.S. - Sahebpur Kamal, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vandana Kumari Wife of Sanjiv Kumar @ Rajesh, Daughter of
Rajkishore Yadav Resident of Mohalla - Gumti No. 6, Mangra Pokhar, P.S.
- Muffasil, District- Munger.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha
For the Opposite Party/s : Mr. Md.Arif(App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 30-06-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State. No one appears on
behalf of opposite party No. 2 though she has already made her
appearance before this court by filing power in favour of her
learned counsel.

The petitioner happens to be husband of Opposite
Party No. 2 and apprehends his arrest in connection with Munger
Muffasil Case No. 04 of 2014, in which, cognizance has been
taken for the offence punishable under Section-498A of the Indian
Penal Code.

At the outset, learned counsel for the petitioner

submits that the petitioner is ready to keep the opposite party No. 2 with him with full honour and dignity but as a matter of fact, opposite party No. 2 is not ready to reside at her matrimonial home rather she wants to go to Punjab along with the petitioner. It is submitted that the petitioner resides at Punjab in connection with his livelihood and it is not possible to keep the opposite party No. 2 at Punjab due to paucity of space in rented room of the petitioner. It is also pointed out that the above said submissions were made before the learned Sessions Judge but learned Sessions Judge committed an error in the impugned order and observed that the petitioner was not ready to keep opposite party No. 2 with him.

Considering the aforesaid facts and circumstances as well as submissions of the parties, without entering into merit of the case, this petition stands disposed off with direction to the petitioner to surrender before the learned Chief Judicial Magistrate,/concerned court, Munger and seek regular bail within four weeks from the date of receipt/production of copy of this order and if, the petitioner does so, the petitioner shall be enlarged on provisional bail on the date of surrender itself, for a period of four months on furnishing bail bond of Rs 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,/concerned court, Munger in

connection with Munger Muffasil Case No. 04 of 2014.

It is made clear that after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the opposite party No. 2, fixing a date for reconciliation and shall take all efforts to patch up the dispute of the parties within four months from the date of surrender of the petitioner. It is also 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.

(Hemant Kumar Srivastava, J)

A.K.V./-

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