

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41766 of 2014

Arising Out of PS.Case No. -3323 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Raju Barnwal @ Raju Kumar Barnwal S/o Late Shiv Jee Barnwal
Resident of Village Lachhpur, Police Station Gopalpur, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kusum Devi W/o Raju Barnwal, D/o Kamlesh Barnwal at present
Resident of Village Rampur Tole Panditpura, Police Station Bhore, District
Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Satyendra Nr. Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

3 15-05-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 3323 of 2013, in which, cognizance has been
taken for the offence punishable under Sections-323, 498A,
406/34 of the Indian Penal Code and Sections-3/4 of Dowry
Prohibition Act..

The petitioner happens to be husband of the
complainant and has filed a suit for restitution of conjugal right.

The stand of the petitioner before this court is that he
is ready to keep the complainant with full honour and dignity but

it is the complainant who does not want to lead her conjugal life with the petitioner, which is evident from perusal of impugned order of learned Sessions Judge.

Learned counsel, appearing for complainant submits that the complainant is also ready to lead her conjugal life with the petitioner.

In view of the aforesaid submissions, 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, Gopalganj 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, Gopalganj in connection with Complaint Case No. 3323 of 2013.

It is further made clear after being released on provisional bail, the concerned court shall issue notice to the petitioner as well as the complainant, 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 complainant, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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