

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22609 of 2015

Arising Out of PS.Case No. -51 Year- 2014 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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Anuj Kumar @ Lali @ Anuj, son of Ram Ekbal Vishwakarma

.... Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi, D/o- Munari Vishwakarma

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 15-05-2015

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner being husband of the opposite party no. 2 apprehends his arrest in connection with Mahila P.S. Case No. 51 of 2014 registered for the offences punishable under Sections 498A, 341, 323, 504/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act, pending in the court of Sub Divisional Judicial Magistrate, Dehri.

The submission on behalf of the petitioner is that he is ready to keep the informant with full honour and dignity and no such occurrence as propounded in the first information report had ever taken place and as a matter of fact, the informant herself does not want to lead her conjugal life with the petitioner.

It would appear from perusal of impugned order of



learned Sessions Judge, Rohtas that the learned Sessions Judge did not take any step to get the dispute of the parties resolved and flatly rejected the anticipatory bail petition of the petitioner giving direction to him to surrender before the court below and seek regular bail.

In my view, the learned Sessions Judge, Rohtas ought to have taken appropriate steps to resolve the dispute of the parties.

However, in the aforesaid circumstance, without entering into the merit of this case, this petition stands disposed of with direction to petitioner to surrender and seek regular bail before the court below within four weeks from the date of receipt/production of copy of this order to the court concerned and if petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months on the day of his surrender on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned court and after releasing the petitioner, the concerned court shall issue notice to the petitioner as well as opposite party no. 2 fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within the above stated period of four months. It goes without saying that if the concerned court

succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed by the concerned court itself, but if the concerned court fails in his attempt due to rigid and non cooperative approach of the petitioner, the provisional bail granted to him shall not be confirmed by the concerned court and in that event petitioner shall be taken into custody by the concerned court. It is needless to say that, if, the concerned court fails in his attempt due to non cooperative and rigid approach of the opposite party no. 2, the concerned court shall confirm the provisional bail granted to the petitioner.

(Hemant Kumar Srivastava, J)

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