

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47894 of 2014

Arising Out of Complaint Case No. -2401 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Pramod Sahni @ Pramod Kumar Sahni Son of Hari Narayan Sahni,
resident of Village- Belari, P.S.- Ujiyarpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Gunja Kumari @ Gunja Devi, D/o Ganesh Sahni, Wife of Promod Sahni.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Abhay Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 22-06-2015 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 Complaint Case No. 2401
of 2013 in which cognizance has been taken for the offences
punishable under Sections 498A of the Indian Penal Code and ¾
of Dowry Prohibition Act, pending in the court of Sub Divisional
Judicial Magistrate, Samastipur.

The specific stand of the petitioner is that he is still
ready to keep the opposite party no. 2 with full honour and dignity
but it is opposite party no. 2 who does not want to lead her
conjugal life with the petitioner.

It would appear from perusal of the record that this court sent notice to opposite party no. 2 but she did not appear before this court though notice has already been served upon her.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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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