

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11733 of 2015

Arising Out of PS.Case No. -1126 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Prashant Kumar Jha S/o Sri Govind Jha Resident of village - Soathgaon,
P.S. - Harlakhi, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kalyani Jha W/o Prashant Kumar Jha resident of village - Sothegaon,
P.S. - Harlkahi, District - Madhubani at present Hanuman Colony Stadium
Road Madhubani, P.S. and District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha
For the Opposite Party/s Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02 27.04.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the complainant and
stand of the petitioner is that he wants to keep the complainant with
full honour and dignity and it is the complainant who does not want
to lead her conjugal life with the petitioner.

Considering the aforesaid facts and circumstances of the
case, this anticipatory bail stands disposed of with direction to
petitioner to surrender before Sri M.K. Srivastwa, Judicial
Magistrate, Ist Class, Madhubani/concerned court in connection with
C.R. no. 1126/2014 corresponding to enquiry no.108/2014 within
four weeks from the date of receipt /production of a copy of this
order and seek regular bail and if petitioner does so, the concerned

court shall release the petitioner 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 the petitioner on provisional bail, the concerned court shall issue notice to the petitioner 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 the petitioner but if the concerned court fails due to rigid approach of the petitioner, then, in that event, provisional bail of the petitioner will not be confirmed by the court below and in that event, petitioner 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 the petitioner shall be confirmed by the court below itself.

Shahid

(Hemant Kumar Srivastava, J.)

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