

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38591 of 2014

Arising Out of PS.Case No. -1576 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Md. Majhar @ Md. Mazhar Khan

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Navin Kr. Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 31-07-2015 Heard learned counsel for petitioner and
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 1576 of 2013 registered under Section-498(A) of the Indian Penal Code and Sections-3/4 of Dowry Prohibition Act.

Petitioner happens to be husband of opposite party No. 2 and it appears that the matter was earlier sent to Mediation Centre, Patna High Court, Patna but the learned mediator failed to get the dispute of the parties resolved and accordingly, he returned the dispute to this court. However, learned Mediator mentioned in his report that the petitioner took the opposite party No. 2 but fled away from railway station leaving opposite party No. 2 there.

Learned counsel for petitioner submits that petitioner is ready to keep the opposite party No. 2 with full honour and dignity but as a matter of fact, the opposite party No. 2 herself does not want to lead her married life with the petitioner.

In view of the aforesaid facts and circumstances of the case, this anticipatory bail petition stands disposed off with direction to petitioner to surrender before the court below in connection with Complaint Case No. 1576 of 2013 pending in the court of Learned Sub Divisional Judicial Magistrate, Gaya within four weeks from the date of receipt/production of copy of this order and seek regular bail and if, the petitioner does so, with a proposal to keep the complainant with him with full honour and dignity, the learned court below shall release the petitioner on provisional bail for a period of four months on the day of his surrender on execution of bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each to his satisfaction and after release of the petitioner on provisional bail, the concerned court shall issue notice to the complainant/opposite party No. 2 and the petitioner, fixing a date of reconciliation and shall take all positive steps to

settle the dispute of the parties, even by way of one time settlement within the stipulated period of four months.

It is further 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.

Accordingly, this petition stands disposed off

(Hemant Kumar Srivastava, J)

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