

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.652 of 2015

Arising Out of PS.Case No. -511 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Shamshad Ansari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 08-01-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
C.A. Case No. 511 of 2013 for the offences punishable under
Section 498A/34 of the Indian Penal Code.

Prior to filing of the aforesaid Complaint Case the
complainant lodged Korha P.S.Case No. 3 of 2013 for the same
offences against the petitioners and others. The aforesaid case was
investigated by the police and after completion of investigation,
police submitted final form showing the mistake of fact, after
submission of the final form, the complainant filed the present
Complaint Case. It is relevant to mention here that prior to lodging
of the police case the petitioner had already filed suit for
restitution of his conjugal right.

Learned counsel for the petitioner submits that petitioner is ready to keep the complainant with full honor and dignity but it is complainant who does not want to lead her conjugal life with the petitioner on false assertion of second marriage.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this petitioner stands disposed of with direction to petitioner to surrender and seek regular bail before the court of Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No. 511 of 2013 within four months from the dated of receipt/ production of copy of this order and, if, petitioner does so, the concerned court shall release the petitioner on provisional bail for the period of four months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to its own satisfaction of the concerned court and after releasing the petitioner, the concerned court shall issue notice to the petitioner as well as complainant fixing date for conciliation and shall take all possible steps to patch up the dispute of the parties within four months from the date of issuance of the above stated notice. 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 co-operative 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 co-operation and rigid approach of the opposite party no. 2. the provisional bail shall not be confirmed by the concerned court. It is also made clear that if the provisional bail of the petitioner is not confirmed by the concerned court, the concerned court shall decide regular bail application of the petitioner on its own merit without being prejudiced by this order particularly, keeping in mind that earlier the police found the case untrue and much prior to filing of complaint case, petitioner had already filed suit for restitution of his conjugal right

Namita/-

(Hemant Kumar Srivastava, J)

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