

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4490 of 2015

Arising Out of PS.Case No. -66 Year- 2013 Thana -MAHILA P.S. District- MADHUBANI

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1. Bhogi Yadav Son of Girdhar Yadav Resident of Village- Naruar (Kanholi Tola), P.S. Bhairab Asthan, District- Madbhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Subhita Devi Wife of Bhogi Yadav Resident of Village- Naruar (Kanholi Tola), P.S. Bhairab Asthan, District- Madbhubani. presently residing with her father Sri Nunu Yadav, Resident of Village Sarisab- Pahi, P.S. Pandaul, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s Mr. Suresh Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 03.02.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner being husband of the informant apprehends his arrest in connection with Mahila P.S. case no. 66/2013 registered under section 498A, 323, 379, 504/34 of the IPC and section 3/ 4 of the D.P. Act and stand of the petitioner is that he is still ready to keep informant with full honour and dignity.

Without entering into the merit of the case, this anticipatory bail stands disposed of with direction to petitioner to surrender before the Sub divisional Judicial



Magistrate, Madhubani/ concerned court in connection with Mahila P.S. case no. 66/2013 within three 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 informant 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 informant, the provisional bail of the petitioner shall be confirmed by the court below itself.

Shahid

(Hemant Kumar Srivastava, J.)

