

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28534 of 2015**

Arising Out of PS.Case No. -54 Year- 2015 Thana -HATHUA District- GOPALGANJ

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1. Md. Arif @ Arif Hussain son of Md. Kasim Resident of village Bhoju  
Khan Ka Tola, P.S. Hathua, District - Gopalganj.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Naresh Prasad

For the Opposite Party/s Mr. Narsingh Tanti(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

02      23.07.2015      Heard learned counsel for the petitioner as well as learned  
Addl. Public Prosecutor for the State.

Petitioner happens to be husband of the informant but  
submission on behalf of the petitioner is that he is ready to keep the  
informant with him.

It would appear from perusal of the impugned order of the  
learned Sessions Judge, Gopalganj that learned Sessions Judge had  
taken pain to patch up the dispute of the parties but petitioner flatly  
refused to keep the informant with him with full honour and dignity.  
In my view, one chance should be given to the parties to revive their  
matrimonial status.

Accordingly, this anticipatory bail stands disposed of  
with direction to petitioner to surrender before Sri Abhishek Kunal,  
Judicial Magistrate, Ist Class, Gopalganj/concerned court in  
connection with Hathua P.S. case no. 54/2015 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 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.)

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