

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24805 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -CHANAN District- BANKA

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Ajay Sah, Son of Late Gono Sah, Resident of Village- Piparadih, Police Station- Chandan (Anandpur- O.P.), District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 15-06-2016 Heard learned counsel for the petitioner and learned counsel appearing for the State.

Petitioner apprehends his arrest in connection with Chandan (Anandpur-O.P.) P.S. Case No. 130 of 2015, registered for the offences punishable under Sections 498-A and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The accusation against the petitioner is that being husband of the informant, he subjected the informant into cruelty due to non-fulfillment of illegal demand.

Contention on behalf of the petitioner is that petitioner is still ready to keep the informant with him with full honour and dignity but as a matter of fact, the informant herself does not want to lead her married life with the petitioner.

In view of the aforesaid submissions of the parties as



well as facts and circumstances of the case, this Anticipatory Bail Petition stands disposed of with direction to the petitioner to surrender before the Lower Court in connection with above-stated P.S. Case No. 130 of 2015 within four weeks from the date of receipt/ production of a copy of this order and if the petitioner does so, the learned court below shall release the petitioner on provisional bail for the period of three months on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to its own satisfaction and on the date of release of the petitioner, the concerned Court shall issue notice to the informant fixing a date for conciliation and shall take all possible steps to resolve the disputes of the parties.

It is made clear that if the concerned Court succeeds in resolving the disputes of the parties, the concerned Court shall confirm the provisional bail granted to the petitioner, but if the concerned Court fails to resolve the disputes of the parties due to fault and rigid 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 if he makes prayer for regular bail, the regular bail shall be considered by the concerned Court on its own merits. It is also made clear that if the conciliation proceeding fails due to fault and

non-cooperative approach of the informant, in that event, the provisional bail granted to the petitioner shall be confirmed by the concerned Court. 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 court concerned on its own level.

(Hemant Kumar Srivastava, J.)

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