

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59152 of 2018

Arising Out of PS.Case No. -2050 Year- 2017 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN (MOTIHARI)

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Bhasker Chakraborty @ Bhaskar Chakraborty S/o Late Narayan Chakaraborty, R/o Vill.- Basantpur Colony, P.S.- Muffasil Motihari, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Kumari Pooja @ Pooja Chakraborty W/o Bhasker Chakraborty @ Bhaskar Chakraborty, R/o Basant Pur Colony, P.S.- Muffasil, Present Address- R/o Chhatuni Colony Gali No. 3, P.S.- Chhatuni, Distt.- East Champaran.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikram Jeet
For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 28-09-2018 Power is filed on behalf of the complainant/opposite party no. 2. Let it be kept on record.

Heard learned counsel for the petitioner, learned counsel for the complainant as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. C-2050 of 2017 in which cognizance has been taken for the offences punishable under Sections 498-A of the Indian Penal Code and 3/4 of D.P. Act.

Petitioner happens to be husband of the complainant



and at the very outset, it is submitted on behalf of the petitioner that petitioner is still ready to keep the complainant with him.

Learned counsel appearing for the complainant submits that complainant also wants to lead her conjugal life with the petitioner.

In view of the aforesaid submissions, it is ordered that petitioner, in the event of his arrest/ surrender before the court below within six weeks from today shall be released on bail provisionally for the period of six months on execution of bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sadar Motihari, East Champaran in Complaint Case No. C-2050 of 2017 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

However, the concerned court shall explore the possibility of reconciliation between the petitioner and complainant and if the concerned court comes to the conclusion that petitioner is not interested to keep the complainant with him, in that event, the concerned court shall be at liberty to cancel the bail bonds of the petitioner. However, if the concerned court feels that it is complainant who does not want to lead her conjugal life with the petitioner without any valid rhyme and reason, the



concerned court shall pass order for confirmation of provisional bail of the petitioner. It goes without saying that if the concerned court succeeds to patch up the dispute of the parties, the provisional bail granted to the petitioner shall be confirmed by the concerned court.

In the aforesaid manner, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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