**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Criminal Miscellaneous No.73324 of 2018**

Arising Out of PS. Case No.-474 Year-2017 Thana- COMPLAINT CASE District-Kishanganj

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Md. Shareek, Son of Rafique Alam @ Lalu Amin, Resident of Village-Bara Altabari, P.S. Bahadurganj, Distirct-Kishanganj.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Wife of Md. Shareek, Daughter of Late Abdul Majid, Resident of Village-Bara Altabari, P.S. Bahadurganj, District-Kishanganj.

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Amal Kumar Sinha
For the Opposite Party/s : Mr. Bharat Bhushan

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

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Complaint Case No. C-474/2017 registered for the offences punishable under Sections 498(A)of the Indian Penal Code.

Petitioner happens to be the husband of the complainant and there is allegation against him that he used to torture the complainant on account of non fulfillment of illegal demand.

Learned Sessions Judge, Kishanganj, has observed in impugned order that when an attempt to patch up the dispute of the petitioner and the complainant was taken by him, the petitioner did

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not appear before him and his learned counsel informed the court that the petitioner was not ready to keep the complainant with him.

However, before this Court, learned counsel appearing for the petitioner submits that the petitioner is ready to keep the complainant and he has never refused to keep the complainant with him.

In view of the aforesaid submission, this petition stands disposed of directing the petitioner to surrender before the trial court within six weeks from today and if he does so, the learned trial court shall release him on provisional bail fixing amount of bail bonds at its own level and after releasing the petitioner on provisional bail, the concerned court shall issue notice to complainant fixing a date for reconciliation and shall take all possible steps to patch up the dispute of the parties.

It is made clear that if the learned trial court fails to patch up the dispute of the parties due to rigid and non cooperative approach of the petitioner, the learned trial court shall not confirm the provisional bail of the petitioner, but if the reconciliation proceedings fails due to non cooperative and rigid approach of the complainant, the provisional bail granted to the petitioner shall be confirmed by the learned trial court. It goes

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without saying that if the concerned court succeeds in his attempt, the provisional bail granted to the petitioner shall confirmed by the learned trial court itself.

**(Hemant Kumar Srivastava, J)**

Spd/-

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