

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69447 of 2018

Arising Out of PS. Case No.-44 Year-2017 Thana- MAHILA P.S. District- Saran

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Kumud Chiranjeev, Son of Sri Bipin Bihari Rastogi, Resident of Mohalla-
Arya Nagar, Kathari Bagh, P.S.- Chapra Town, District- Saran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Opposite Party/s : Mr. Sanjay Kumar Singh

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

ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Mahila P.S. Case No. 44 of 2017 registered for the offences

punishable under Sections 341, 323, 498-A/34 of the Indian

Penal Code.

It would appear from perusal of record that petitioner

filed A.B.P. No. 1953 of 2018 before the court below and in the

aforesaid A.B.P. No. 1953 of 2018, petitioner was granted

provisional bail for the period of six months with direction to

him that he shall appear before the court below with his wife

and if the concerned court finds the conduct of petitioner

satisfactory, the concerned court shall confirm the provisional



bail granted to the petitioner. However, due to some unavoidable circumstances, petitioner could not surrender along with his wife within the period as stipulated vide order dated 30.06.2018 passed in A.B.P. No. 1953 of 2018 and thereafter petitioner filed Cr. Misc. No. 160 of 2018 before the concerned court for modification of order dated 30.06.2018. During course of hearing of aforesaid modification petition, the wife of the petitioner appeared before the court below but petitioner failed to appear as a result whereof the learned court below dismissed the aforesaid Cr. Misc. No. 160 of 2018. Thereafter, petitioner filed second A.B.P. No. 3360 of 2018 before the learned Sessions Judge and the aforesaid A.B.P. No. 3360 of 2018 was dismissed by 1st Additional Sessions Judge, Saran at Chapra on the ground of maintainability.

In the aforesaid facts and circumstances as well as in view of submissions of the parties, this anticipatory bail petition stands disposed of with direction to petitioner to surrender before the trial court within four weeks from the date of receipt/production of copy of this order and if petitioner does so, the learned trial court shall grant him provisional bail for the period of four months fixing the bail bonds on its own level and after that the trial court shall issue notice to the informant fixing



a date for reconciliation and shall explore the possibility of reconciliation between the parties. However, it is made clear that if the reconciliation proceeding fails due to rigid and non cooperative approach of the petitioner, the provisional bail granted to the petitioner shall not be confirmed but if the reconciliation proceeding fails due to rigid and non cooperative approach of the informant, the provisional bail granted to the petitioner shall be confirmed by the learned trial court itself. It goes without saying that in case the learned trial court succeeds to patch up the dispute of the parties, the provisional bail granted to the petitioner shall be confirmed by the learned trial court itself.

(Hemant Kumar Srivastava, J)

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