

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20301 of 2020

Arising Out of PS. Case No.-5 Year-2018 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Chandralal Kiskoo @ Chandlal Kiskoo Son of Sanjhala Kiskoo
 2. Sanjhala Kiskoo Son of Late Behla Kiskoo
 3. Munjhali Murmu @ Manjhali Murmu Wife of Sanjhala Kiskoo
All Resident of Village - Pirbaha Lutiya, Santhali Tola, Ward No. 10, P.S.-
Forbesganj, Distt - Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Chandani Tudu Wife of Chandralal Kiskoo @ Chandlal Kiskoo, D/o
Manjhiya Tudu Resident of Village - Pirbaha Lutiya, Santhali Tola, Ward
No. 10, P.S.- Forbesganj, Distt - Araria.
At present resident of Village - Haripur Tinkonma, Ward no. 14, P.S.-
Murliganj, Distt - Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Pancha Nand Pandit

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

ORAL ORDER

2 25-08-2020 Let the defects, as pointed out by the Office, be
ignored.

Heard Mr. Gopal Kumar Jha, learned counsel for the
petitioners as well as Mr. Pancha Nand Pandit, learned
Additional Public Prosecutor, for the State through video
conferencing.

Petitioners apprehend their arrest in connection with
Complaint Case No. 5 of 2018 in which cognizance for the
offences punishable under Sections 498A, 307, 323, 406, 504



of the Indian Penal Code and 3 / 4 of the Dowry Prohibition Act has been taken.

Petitioner No. 1 is husband, petitioner No. 2 is father-in-law and petitioner No. 3 is mother-in-law of the complainant-opposite party No. 2 and perusal of the complaint petition goes to show that the entire allegation centres around against petitioner No. 1. The perusal of impugned order goes to show that at the time of hearing of A.B.P. No. 1119 of 2019, petitioner No. 1 and the complainant appeared before the learned Sessions Judge and complainant refused to lead her marital life with petitioner No. 1 on the ground that petitioner No. 1 has already solemnized his second marriage with another girl.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner No. 2, namely, Sanjhala Kiskoo and petitioner No. 3, namely, Munjhali Murmu @ Manjhali Murmu, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Madhepura, in



Complaint Case No. 5/2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner No. 1, namely, Chandralal Kiskoo @ Chandlal Kiskoo is concerned, his prayer for anticipatory bail stands disposed of with a direction to petitioner No. 1 to surrender before the court of learned Sub Divisional Judicial Magistrate, Madhepura, in connection with Complaint Case No. 5 of 2018 within six weeks from the date of receipt/production of a copy of this order and if he surrenders and seeks regular bail before the concerned court, the petitioner No. 1 shall be released on provisional bail by the concerned court fixing an amount of bail bonds on its own level and, thereafter, the concerned court shall fix a date for reconciliation and shall give information to petitioner No. 1 as well as the complainant about the above stated date. The concerned court shall take all effective steps to resolve the dispute of the parties even by way of one time settlement.

It is made clear that if the concerned court succeeds in resolving the dispute of the parties, the provisional bail granted to petitioner No. 1 shall be confirmed by the concerned court itself and, thereafter, concerned court expedite the trial of the petitioner No. 1 and shall dispose of the case as early as



possible. However, if trial court fails in his attempt in resolving the dispute of the parties due to non-cooperative, rigid and unreasonable approach of petitioner No. 1, the provisional bail granted to the petitioner No. 1 shall not be confirmed by the concerned court. It is needless to say that if trial court fails in his attempt due to non cooperative, rigid and unreasonable approach of the complainant, the provisional bail granted to petitioner No. 1 shall be confirmed by the concerned court itself.

(Hemant Kumar Srivastava, J)

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