

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67278 of 2019**

Arising Out of PS. Case No.-262 Year-2019 Thana- PAHARPUR District- East Champaran

ANIL KUMAR Son of Sadhu Sah Resident of Village-Dudhiyawa Kalwari
Tola, P.S.-Paharpur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarti Devi Daughter of Lalbabu Prasad Resident of Village-Gobari, P.S.-
Banjariya, District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv.
For the State	:	Mr. Pramod Kumar Pandey, APP
For the Opposite Party/s	:	Mr. Rajesh Kumar, Adv.

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

ORAL ORDER

5 07-07-2020 Heard learned counsel appearing for petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends his arrest in connection with Paharpur P.S. Case No.262 of 2019 registered for the offences punishable under Sections 341, 323, 498(A)/ 34 of the I.P.C. and 3/4 of the Dowry Prohibition Act.

Petitioner happens to be husband of the informant and there appears to be allegation of torture as well as demand of dowry against the petitioner.

Learned counsel appearing for petitioner submits that no such occurrence, as alleged, in the written report of informant has ever taken place and, as a matter of fact, the



informant herself does not want to lead her conjugal life with petitioner, though petitioner is still ready to keep the informant with him.

On the other hand, learned counsel appearing for informant submits that the informant is too ready to lead her conjugal life with petitioner.

In view of the aforesaid submissions as well as facts and circumstances, this anticipatory bail petition stands disposed of with direction to petitioner to surrender before the court below within eight weeks from today and, if petitioner does so, the learned court below shall release the petitioner on provisional bail on furnishing bail bonds of rupees ten thousand with two sureties of the like amount each to the satisfaction of the court below for the period of two months and after releasing the petitioner on provisional bail, the court concerned shall issue notice to petitioner as well as informant fixing a date for reconciliation and after appearance of petitioner and informant for reconciliation, the concerned court shall explore all possibilities to resolve the dispute of the parties within a month from the date of their appearance even by taking the case on day-to-day basis. The concerned court shall confirm the provisional bail granted to the petitioner, if the concerned court



succeeds to patch up the dispute of the parties. However, if the concerned court fails to resolve the dispute of the parties on account of rigid and non-cooperative approach of informant, the provisional bail granted to the petitioner shall be confirmed by the learned court below itself. It goes without saying that if the concerned court fails to resolve the dispute of the parties due to rigid and non-cooperative approach of petitioner, no order of confirmation of provisional bail shall be passed by the concerned court and in that event, the petitioner shall be taken into custody and if any regular bail petition is filed on behalf of the petitioner, the same shall be considered on its own merit without being prejudiced by this order. It is also made clear that the aforesaid steps shall be taken by the concerned court within the above stated period of two months.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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