

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 87223 of 2019**

Arising out of P.S. Case No.-991 Year-2019 Thana- EAST
CHAMPARAN COMPLAINT District- East Champaran

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UPENDRA DAS S/O Ramlal Das R/O Pokhraise, P.S. Saraiya
opposite Party Dwajaitpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Chanda Kumari W/O Upendra Das D/O Lalbabu Das R/o
Barharwa Kala (West) Tola Aadiya, P.S. Kotwa District - East
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s: Mr. Binod Kumar, APP

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

ORAL ORDER

2 14-02-2020 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-991 of 2019, registered for the offence
punishable under Sections 498A, 323 and 406 of the Indian
Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

Petitioner happens to be the husband of Opposite
Party No. 2 and it is submitted on his behalf that he is still ready
to settle the dispute with Opposite Party No. 2.



Learned counsel appearing for the Opposite Party No. 2 submits that Opposite Party No. 2 is also ready to settle dispute with petitioner.

In view of the aforesaid submissions, this anticipatory bail application stands disposed off with direction to petitioner and Opposite Party No. 2 to appear before the learned court below in person on 17.03.2020 and on appearance of the parties the learned court below shall explore the possibilities of reconciliation of dispute of the parties.

However, it is made clear that on appearance of the petitioner, the learned court below shall release the petitioner on provisional bail for reasonable period. The amount of bail bonds shall be fixed by the learned court below itself. Furthermore, it is also made clear that if reconciliation proceeding fails due to rigid or non-cooperative approach of Opposite Party No. 2, the learned court below shall confirm the provisional bail granted to the petitioner but if reconciliation proceeding fails due to rigid or non-cooperative approach of the petitioner, in that event, the learned court below shall not confirm the provisional bail granted to the petitioner and shall take the petitioner into custody and if prayer for regular bail is made, the concerned Court shall pass appropriate order on the regular bail of the



petitioner without being prejudiced to the previous proceeding as well as observations given by this Court in this order.

It is needless to say that if the learned Court below succeeds in his attempt, the provisional bail granted to the petitioner shall be confirmed. It is also made clear that if the learned court below succeeds in his attempt, in that circumstance, the learned Court below shall proceed to dispose of the case after recording the statements of the parties without any delay.

(Hemant Kumar Srivastava, J)

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