

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33850 of 2014

Arising Out of PS.Case No. -7 Year- 2014 Thana -MAHILA P.S. District- SITAMARHI

Sanjeev Kumar Gupta Son of Late Jai Prakash Gupta Resident Mohalla-
Gandhi Chowk, Ward No.-14, Sitam Nagar, P.S.-Sitamarhi, District-
Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

5 19-01-2015

Heard learned counsel for the parties.

Pursuant to the order of the Court, the petitioner as
well as informant (Pinki Devi) are present.

Earlier the petitioner had been granted provisional
bail by order dated 14.11.2014 in Mahila P.S. Case No. 7 of 2014
dated 26.03.2014 instituted under Sections 498A/341/323/504/34
of the Indian Penal Code and 3/4 of the Dowry Prohibition Act,
1961.

Without going into the merits, the petitioner has
taken the stand before the Court that he shall keep the informant



along with the two children with him with full dignity, honour and security and shall also provide for all their needs. The informant has submitted that earlier also the petitioner had taken her from the Court premises itself but soon after it was followed by another round of abuse and assault due to which her father had to take her to her paternal home. However, she also states that she wants the marriage to be saved and she is ready to go and live in her matrimonial home and the Court may protect her interest. The petitioner agrees with the imposition of any terms and conditions.

In view of the aforesaid, the application is being disposed off in the following terms:-

The petitioner and informant shall appear before the court below on 23rd January, 2015. On that date, the petitioner shall give an undertaking/execute a bond before the court that he shall keep the informant and her children with him with full dignity, honour and security and shall also provide for all their needs and that she shall be free to meet, talk to and go to her relative's place and they shall also be free to talk to, go and meet her whenever they desire for which neither the petitioner nor his family members shall have any objection. The petitioner shall ensure that the informant is provided with a mobile phone along with an active SIM so that she is able to be in touch with her

family members. The petitioner shall thereafter go to the house of the informant and take her and the children to his place on 24th January, 2015.

The Court shall fix dates in the case every month when both the parties shall appear and the Court shall record a finding with regard to the relationship. After nine months, if the Court is of the opinion that the relationship has been restored, the bail of the petitioner shall be confirmed. The informant shall be at liberty to file a petition before the court below if there is any violation of the terms and conditions of the undertaking/bond or even otherwise if she feels any threat to her or her children from the petitioner or his relatives. If such a petition is filed, the Court, after hearing the parties, shall pass appropriate orders including cancellation of the bail bonds of the petitioner. The liberty given to the informant shall continue even after the bail of the petitioner has been confirmed.

It goes without saying that the informant shall also ensure that she gives proper and due respect to the petitioner and his family members while discharging her duties and living in the matrimonial home.

(Ahsanuddin Amanullah, J)

Anjani/-

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