

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16886 of 2015

Arising Out of PS.Case No. -273 Year- 2014 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Pankaj Mahto Son of Late Sohan Mahto Resident of Mohalla - Kashipur
Ward No. 13, P.S. Town, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Meera Devi Wife of Pankaj Mahto Resident of Mohalla - Kashipur
Ward No. 13, P.S. Town, District - Samastipur, At Present Meera Devi,
Daughter of Ram Lakhan Mahto, Resident of village - Satmalpur, P.S.
Warisnagar, District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Manish Kumar No.2(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

4 16-07-2015 Heard.

The petitioner along with the complainant are present in Court. I have talked to them personally. I have also heard the learned counsel appearing for the petitioner.

Undisputedly, the petitioner had during the subsistence of his first marriage and during the life time of his first wife married the complainant and the couple begot two children out of the wedlock. The allegation is that the petitioner illtreated and tortured the lady so much so that he refused to take her as his wife and also refused to recognize the two children to be born from the wedlock as his off-springs. Now after I talking to them, what I



find is that the petitioner has accepted the status of the complainant to be his wife and has also pointed out to me that the two children born from the complainant were of his. He has also undertaken to take the lady with the children back to his house and accord to them the due places they deserved in the family by ensuring that the children are not only looked after well but are sent to schools for their studies.

Let the court below, i.e., Chief Judicial Magistrate, Samastipur or any other Magistrate seized with the case in connection with C.R.No.273 of 2014 admit the petitioner to bail on furnishing bond of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to its satisfaction. The bond shall be accepted provisionally and the case shall, at the first instance, be adjourned for 15 days after admitting the petitioner to bail with a direction to the petitioner to bring his wife, i.e., the complainant before the court and the Presiding Officer shall talk to the lady in confidence about how she and her children were being treated by the petitioner. If the court is satisfied that all the observations of this Court are being honoured in letter and spirit by the petitioner, he shall extend the bond for a period of one month with further direction to the couple to appear before it for review of the relationship. This process shall continue on the monthly basis for a

period of six months whereafter the court below shall be free to enlarge the period of appearance of the parties if it was satisfied that the conditions of bail as set down by this Court are being duly observed. In case the lady has any complaint regarding not being looked after with her children as expected from her husband or there was a breach of any of the conditions of bail set down herein, the court below shall be free to remand the petitioner to custody.

With the above direction, this petition stands disposed of. The petitioner must surrender before the court below on the 31st of July, 2015.

(Dharnidhar Jha, J)

B.Kr./-

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