

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18663 of 2015

Arising Out of PS.Case No. -1702 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Manish Paswan, Son of Dev Narayan Paswan, Resident of village-
Madhuban, P.S. K. Nagar, O.P. Maranga, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Devi, D/o Ghughlu Paswan, Resident of Village- Ekamba, P.S.
Jalalgarh, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Adv
For the O.P. No. 1	:	Mr. Satyavrat Verma(App)
For the O.P. No. 2	:	Mr. Pramod Kumar Mallick, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 01-09-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-498A and 494 of the Indian Penal Code, who has a cut out defence that he not only wants to keep the Wife-Opposite Party No. 2, with due respect and dignity but in fact it is the Wife-Opposite Party No. 2, who wants to create rift in the matrimonial life by doubting the character of the petitioner and in fact giving a bad name to the relationship of the petitioner with Soni Kumari

who in fact is the own bhabhi of Opposite Party No. 2.

Learned counsel for Opposite Party No. 2, has submitted that no respectable lady particularly having a child from the marriage, would have come to blur the said allegation against her husband if there was no iota of truth in the same.

Learned counsel for the petitioner submits that neither the petitioner had any illicit relationship with Soni Kumari nor the petitioner had married Soni Kumari and in fact Soni Kumari is not living in the house of the petitioner.

Learned counsel for the petitioner has also submitted that the petitioner is fully prepared even now as in past to keep his Wife-Opposite Party No. 2, with due respect and dignity but of course within his means, as he is having only a petty job in Airtel Company.

Learned counsel for the Opposite Party No. 2, has submitted that if the petitioner mends his way, the Opposite Party No. 2 is also ready to restore the conjugal life

but then assurance has to be given by the petitioner that he will not indulge in extra marital relationship with the aforesaid Soni Kumari.

Learned counsel for the petitioner has submitted that the petitioner will definitely be prepared to keep the Wife-Opposite Party No. 2 with due respect and dignity and without any complaint of extra marital relationship but the Wife-Opposite Party No. 2 shall also realize that she can be taken care of, in the family of the petitioner, only within the means that is available to the petitioner.

Having thus regard to the possibility of settlement, this Court would direct the petitioner namely, **Manish Paswan**, to surrender within a period of four weeks from today before the Court below and if he gives a written undertaking that he would keep his Wife-Opposite Party No. 2, with all respect and dignity, he would be released on provisional bail for a period of three months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of

S.D.J.M., Purnea in connection with **C.A. case No.**

1702 of 2012 on the following terms and conditions:-

(i) The petitioner on being granted provisional bail shall immediately take his wife Opposite Party No. 2 together to his place of abode and keep her with due care and dignity and by also ensuring that Soni Kumari is no longer living in his house, so as to create any further rift in the matrimonial life of the petitioner with Opposite Party No. 2.

(ii) After expiry of period of three months the petitioner and Wife-Opposite Party No. 2, shall appear before the Court below and the trial Court will make inquiry from Wife-Opposite Party No. 2, and on finding that she was not subjected to any further cruelty, mental or physical by her husband or his family members, the provisional bail of the petitioner shall be extended, now for a period of six months.

(iii) After expiry of aforesaid period of six months, the petitioner and Wife-Opposite Party No. 2, shall again appear before the Court below and the trial Court will make similar inquiry from Wife-Opposite Party No. 2, as to whether she was



subjected to any cruelty, mental or physical by her husband or his family members and in the event of a satisfactory answer of Opposite Party no. 2, the provisional bail of the petitioner shall be extended for a period of one year.

(iv) After expiry of aforesaid period of one year, the petitioner and Wife-Opposite Party No. 2, shall again appear before the Court below and the trial Court will make similar inquiry from Wife-Opposite Party No. 2, as to whether she was subjected to any cruelty, mental or physical by her husband or his family members and in the event of a satisfactory answer of Opposite Party no. 2, the provisional bail of the petitioner shall be confirmed.

(v) It is also made clear that if the Wife-Opposite Party No. 2, at any point of time during the pendency of the present criminal case alleges that she was subjected to any cruelty, mental or physical by her husband or his family members, the court below after making necessary enquiry and giving an opportunity to the petitioner, is satisfied as with regard to such allegation of Wife-Opposite Party No. 2, the provisional bail of the petitioner shall be cancelled forthwith.

(vi) That both the bailors will be close

relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(vii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(viii) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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