

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18927 of 2015

Arising out of P.S.Case No. -11 Year- 2015 Thana -BIDUPUR District- VAISHALI (HAJIPUR)

Manoj Thakur @ Manoj Kumar Thakur Son of Sri Ram Chandra Thakur,
Resident of Mohalla - Nakulawa Chowk, Filaria Office - Gali, P.S. - Town,
Muzaffarpur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suman Kumari, W/o Manoj Thakur of Mohalla - Nakulawa Chowk,
Filaria Office Gali, P.S. - Town, Muzaffarpur, District - Muzaffarpur. at
present Residing address - D/o Late Parmanand Thakur, Village -
Maniyarpur, P.S. - Bidupur, District - Vaishali.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate.
For the Opposite Party/s: Mr. Shailendra Kumar No.2 (APP)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 323, 406 and 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and the fact that the petitioner is the husband who now wants to atone his conduct by not only taking back his wife/O.P. No. 2 to his house but also for keeping her with all due respect and dignity as a wife would deserve in the hands of the husband and his family members, this Court would direct the petitioner, namely, Manoj Thakur @ Manoj Kumar Thakur to surrender within a period of four weeks from today whereafter the court below shall release the petitioner on provisional bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Vaishali at Hajipur in connection with Bidupur

P.S.Case No. 11/15 arising out of Complaint Case No. 2285 of 2014,
subject to the following conditions:

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- (i) That upon appearance of the petitioner and on giving the aforementioned written undertaking by him, the court below shall grant him provisional bail for a period of four weeks. In this period of four weeks, the petitioner shall go to the house of the O.P. No. 2 for taking her back to his own house for living together and establishing matrimonial relationship in a dignified and descent manner.
 - (ii) Upon expiry of the aforesaid period of four weeks, the petitioner as well as his wife/O.P. No. 2 shall again appear before the court below which then having made enquiry from the O.P. No. 2 and finding that no further mental or physical torture was caused to her either by the petitioner and/or any family member of the petitioner, would extend the provisional bail for a period of four months.
 - (iii) Upon expiry of the aforementioned period of four months of provisional bail, the petitioner shall again appear before the court below along with his wife and if the court below, after making enquiry from the O.P. No. 2, is satisfied about the dignified conduct towards the O.P. No. 2, the provisional bail to the

petitioner shall be extended now for a further period of eight months.

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- (iv) Upon expiry of the period of eight months of provisional bail, the petitioner and O.P. No. 2 shall again appear before the court below and if there is no further complain by the O.P. No. 2 with regard to the behaviour of the petitioner and/or his family members towards the O.P. No. 2, his provisional bail shall be confirmed.
 - (v) It goes without saying that if the petitioner does not behave properly or keep the O.P. No. 2 with due respect and dignity that a wife would deserve in the hands of the husband, his provisional bail shall be immediately cancelled.
 - (vi) That both the bailors will be close family relatives of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
 - (viii) 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 his bail on the ground of misuse.

- (ix) That the petitioner will be well represented on each and every date in course 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)

Sujit/-

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