

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21363 of 2015

Arising Out of PS.Case No. -695 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Om Prakash Singh Son of Mahendra Singh resident of village - Paharpur,
P.S. Mahua, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Mamta Kumari W/o Om Prakash Singh D/o Dev Nandan Bhagat resident
of village + Post - Harauli, P.S. - Hajipur Sadar, District - Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-08-2015 Heard learned counsel for the parties.

2. Having regard to the nature of allegation for offence under section 498A of the Indian Penal Code and section 4 of the Dowry Prohibition Act and the fact that the petitioner is the husband, who has come out to say that the petitioner is ready to keep the complainant, his wife- O.P.No.2, with full dignity that a wife would deserve in the hands of the husband, this Court would direct the petitioner, Om Prakash Singh, to surrender before the court below within a period of four weeks from today, by giving prior advance intimation to the learned counsel for the complainant for her appearance on any fixed date on which the petitioner shall also appear.



3. If the court below finds that the petitioner has made a bonafide effort for keeping his wife and is still prepared to take her back to his house from the court room itself and the wife is not prepared to go with the petitioner for living together with the petitioner, it shall grant bail to the petitioner, but if, on the other hand, it is found that the wife also is ready to go with the petitioner and accompanies him for staying with her husband the petitioner, the court below shall grant only provisional bail for a period of three months on the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate

the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

4. After expiry of the period of three months both the petitioner and O.P.No.2, the wife, shall again appear before the court and if the court below finds that the behaviour of the petitioner was cordial and there is no complaint from O.P.No.2 as with regard to treatment meted out to her by the petitioner and/or his family members, such provisional bail then shall be extended for a period of six months.

5. After the period of six months the petitioner and O.P.No.2 shall again appear and if the court below is now satisfied that the relationship between the petitioner and O.P.No.2 have remained cordial, it will confirm the provisional bail of the petitioner.

6. On the other hand, if it is found that the petitioner at any point of time had caused any mental or physical torture to O.P.No.2, it shall, after making due enquiry and affording an opportunity of hearing to the petitioner, cancel the provisional bail of the petitioner.

7. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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