

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46079 of 2014

Arising Out of PS.Case No. -105 Year- 2011 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Dharmendra Paswan Son of Sri Hira Lal Paswan resident of village-
Naryanpur, P.S.- Narayanpur, District- Bhojpur

.... Petitioner

Versus

1. The State of Bihar
2. Sawita Devi Wife of Dharmendra Paswan Presently residing in village-
Kawa, P.S.- Ara Mufassil, District- Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd.Singh, Sr.Adv.

For the Opposite Party/s : Mr. Ajay Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

7 04-09-2015 Heard Mr. Akhileshwar Prasad Singh, learned Senior
counsel for the petitioner. Despite service of notice on O.P.No.2
through her counsel appearing in the court below on 31.8.2015 on
Mr. Govind Kumar, the learned Advocate appearing on behalf of
O.P.No.2 in the court below, i.e. court of Sub-divisional Judicial
Magistrate, Bhojpur no one has appeared on her behalf.

Mr. Singh as with regard to the allegation for offence
under section 498A of the Indian Penal Code submits that the
petitioner was/ is always prepared to keep O.P.No.2 as his wife
with due respect and dignity but it is somehow O.P.No.2 herself
who does not want to live with the petitioner.

Being impressed with the stand of the petitioner this Court
had issued notice to O.P.No.2 but then no one has appeared on her
behalf despite service of notice through different modes.

In that view of the matter, this Court would direct the petitioner, Dharmendra Paswan, to appear before the court below within a period of four weeks from today and if the court below on hearing the learned counsel for the petitioner as also learned counsel for O.P.No.2 finds that O.P.No.2 deliberately does not want to live with the petitioner the provisional bail already granted to the petitioner by an order of this Court dated 30.7.2015 shall be confirmed, but, on the other hand, if it is found that the O.P.No.2 is willing to live with the petitioner, the court below shall again extend provisional bail of the petitioner for a period of three months in which the petitioner shall live together with the O.P. No. 2 and after three months the court below shall on enquiry from O.P. No. 2 in person and upon being satisfied that she was kept by the petitioner with due respect and dignity, the provisional bail to the petitioner shall be confirmed.

It goes without saying that if the petitioner will not keep his words and create impediments in living together with his wife O.P. No. 2, the petitioner's bail, either provisional or confirmed, shall be cancelled and he would be taken into custody.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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