

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47028 of 2014

Arising Out of PS.Case No. -101 Year- 2014 Thana -PARWALPUR District- NALANDA
(BIHARSHARIFF)

Niraj Pandit @ Niraj Kumar S/o Vijay Pandit Resident of Village Sora Dih,
P.S. Harnaut, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha No.2(App)
For the informant : Mr. Anil Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015

Heard learned counsel for the parties as with regard to
the prayer of anticipatory bail to the petitioner facing prosecution
for offences of Section 498(A), 341 and 323 of Indian Penal Code
and Sections 3/4 of Dowry Prohibition Act.

Having regard to the fact that the learned counsel,
appearing on behalf of the informant/wife, namely, Kaushlya
Devi, has submitted that she is prepared to live with the petitioner,
her husband and that there was also similar submission on behalf
of the petitioner before the court below that he too was always
ready to keep the informant as his wife with full dignity, this
Court, keeping in view of such agreement of the parties, would
find the petitioner entitled for being given privilege of anticipatory
Bail provided he keeps his word of treating the informant with due

respect and dignity.

That being so, if the petitioner, namely, Neeraj Pandit @ Niraj Kumar would surrender on 25.05.2015, he shall be released on provisional bail for a period of three months on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Hilsa, Nalanda in connection with Parwalpur P.S. Case No. 101 of 2014, subject to the following conditions:

- (i) The provisional bail of the petitioner shall be granted only after the petitioner gives an undertaking for taking his wife, who shall also remain present in the court below on that day, together with him and treating her with due respect and dignity that a wife would deserve from her husband.
- (ii) On completion of the period of three months, both the petitioner and his wife Kaushalya Devi shall again appear before the court below and if the court below, on query from the informant Kaushlya Devi, finds that she was



treated with due dignity and was not subjected to any further coercion, physical or mental, such provisional bail of the petitioner shall be confirmed. On the other hand, if there is any further complaint of ill behaviour either physical or mental by the petitioner or his family members towards the informant, the provisional bail of the petitioner shall be immediately cancelled and he shall be taken into custody. .

- (iii) 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.
- (iv) 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.

- (v) 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.
- (vi) 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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