

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43424 of 2014

Arising Out of PS.Case No. -379 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

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Lal Mohan Chaudhary Son of Ganauri Chaudhary Resident of Village-Lai,
P.S.-Bihta, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Awadhesh Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 10-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 498(A) of the Indian Penal Code against the petitioner who is the husband, this Court would not be inclined to grant privilege of anticipatory bail specially when on an earlier occasion the words of the petitioner that he will treat his wife and keep her with due dignity was not honoured by him resulting into further lodging of this case.

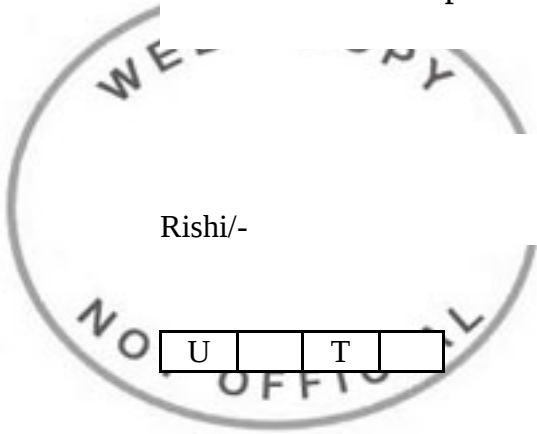
Learned counsel for the petitioner however, has submitted that the petitioner is now prepared to atone himself and he would keep his wife, the complainant, with due respect and dignity.

Considering the aforesaid submission of learned counsel for the petitioner, this Court would direct the petitioner to



surrender in the court below on 4.5.2015 on which day the complainant wife shall also remain present. The court below shall, thereafter, make an enquiry from the wife and the petitioner as to whether she would like to go with the petitioner and restore her conjugal life. In the event the wife of the petitioner is prepared to live with the petitioner, the court below shall grant provisional bail to the petitioner, namely, Lal Mohan Chaudhary for a period of two months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Masaurhi, Patna in connection with Complaint Case No. 379(C) of 2009, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., whereafter, the petitioner shall again surrender on completion of the period of two months and the court below will make enquiry from the wife and if on being reported that she was treated with due respect and dignity by the petitioner and/or his family members, such provisional bail shall again be extended but this time for a period of four months. On completion of a period of four months of provisional bail, the husband of the petitioner shall again surrender and if the wife in the query of her past four months conveys her satisfaction that she was treated with due

respect and dignity by the petitioner and his family members, the
provisional bail would be confirmed.



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(Mihir Kumar Jha, J)