

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51417 of 2014

Arising Out of PS.Case No. -120 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Parmanand Ranjan @ Parmanand Singh S/o Rajendra Singh Resident of
Village Dharupur, P.S. Nokha, District Rohtas.

.... Petitioner

Versus

1. The State of Bihar.

2. Jyoti Devi @ Jyoti Kumari W/o Parmanand Ranjan @ Parmanand Singh
Resident of Village Ramnagar @ Dalippur, P.S. Dhangai, District Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. Md. Arif(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 04-08-2015 Heard learned counsel for the parties.

Pursuant to the order of this Court the petitioner and
O.P.No.2 have also appeared in person. Though the father of the
petitioner is present but it is the elder uncle of O.P.No.2 who has
appeared in lieu of her parents. As it is said that they are at present
at Ranchi where the father of O.P.No.2 is employed.

Learned counsel for the petitioner in presence of the
petitioner has submitted that if the petitioner is granted privilege
of anticipatory bail even provisionally, the petitioner shall not only
withdraw the pending divorce case filed by him against O.P.No.2
within a period of one month from today but would also upon
being granted provisional bail live with his wife- O.P.No.2 and his
daughter by giving all love and affection, that a wife and/or
daughter would deserve in the hands of her husband/ father.



The father of the petitioner has come out to say that he is a widower and O.P.No.2 is the elder daughter-in-law who was/is supposed to now fulfil the family obligations not only in respect of the petitioner being her husband but also for looking after the family consisting of himself, his two sons as also his younger daughter-in-law.

This Court on query from O.P.No.2 has found that she has got no reservation in living in the joint family with the father of the petitioner, her husband as also her brother-in-law and sister-in-law but then all that she wants from them is some respect, love and affection which according to her has been sadly missing in her conjugal life till date. She in this regard has also made certain allegation of being physically assaulted by her husband.

When this Court has tried to know from the petitioner as to why his behaviour has been erratic towards his wife he has sought to deny all the allegations including that of physical assault and has also reassured this Court that he will keep his wife with all due dignity.

At this stage the uncle representing the parents of O.P.No.2 has submitted that it will be his responsibility to get O.P.No.2 back to her Sasural in the house of the petitioner on 29th of August, 2015 after O.P.No.2 would conclude celebrating Rakshabandhan vestival with her brothers.



Thus, in view of the aforementioned commitments being by the parties this Court has a hope and belief that the conjugal life of the petitioner and O.P.No.2 can be saved and that the childhood of their daughter would also remain secured if O.P.No.2 on 29th August, 2015 shall go back to the house of her husband and thereafter will live together in the family.

Considering all these aspects this Court would direct the petitioner, Parmanand Ranjan @ Parmanand Singh, to surrender before the court below on 24th August, 2015 and the court below shall grant provisional bail only for a period of three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Ara, Bhojpur in Jagdishpur Mahila P.S.Case No. 120/2014, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioner who will give 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.

(ii) That the bailor shall also state on affidavit that he 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 bail on the ground of misuse.

(iii) That the petitioner will be well represented on each and every date 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.

(iv) That the petitioner shall withdraw his pending divorce suit as early as possible but in no event beyond the expiry of the period of three months of the provisional bail and in fact the extension of provisional bail of the petitioner shall be subject to his production of the order withdrawing divorce suit filed by him as also the court below being satisfied on an enquiry from the petitioner as also from O.P.No.2 that in the period of three months even since provisional bail her wife was treated with respect and dignity.

(v) O.P.No.2 shall also be allowed to pursue her studies and appear in the examination for which entire responsibility shall lie either on the head of the petitioner or his father both of whom have now undertaken before this Court to ensure that the studies of O.P.No.2 will not be hampered on account of now her shifting to the house of the petitioner and his father.



(vi) O.P.No.2 shall be allowed to talk on telephone/mobile phone as well as meet her family members in the house of the petitioner and also be allowed to visit her parents as also the place of her elder uncle who is present today, at least twice in a year, for a maximum period not exceeding seven days apart from emergent situation arising out of some ceremony including birth/marriage/death of close family member of opposite party no. 2.

(vii) After the expiry of the period of provisional bail of three months the petitioner shall appear before the court below and the provisional bail of the petitioner shall be extended for a period of six months only on court being satisfied that his behaviour with his wife- O.P.No.2 was cordial. After expiry of the aforesaid period of six months if the court below finds on the enquiry from O.P.No.2 that she and/or her daughter was treated with all due dignity by the petitioner and his family member the provisional bail of the petitioner shall be confirmed by the court below which shall have liberty to any other reasonable condition.

(viii) It, however, goes without saying that if O.P.No.2 at any point of time till the pendency of trial which for the time being shall be kept pending for a



minimum period of two years from today, makes a complaint before the court below of being physically assaulted by the petitioner the court below, of course after its making enquiry and only after giving opportunity of hearing to the petitioner shall not only cancel the bail of the petitioner but even otherwise get the petitioner arrested by the police and send him into judicial custody.

(ix) If the court below, after a period of two years and subject to petitioner abiding by the aforesaid terms and conditions during his continuance on bail finds that normally has been restored in the conjugal life of the petitioner and opposite party, it shall drop the further proceeding of trial after recording the evidence of opposite party no. 2 but in the event the court below is satisfied that the behaviour of the petitioner towards his wife has not improved, it shall take up and conclude the trial in accordance with law.

surendra/-

(Mihir Kumar Jha, J)

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