

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18795 of 2015

Arising Out of PS.Case No. -1967 Year- 2014 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Deepak Kumar, son of Harendra Narayan Gupta resident of Tahir Lane,
Road no. 16 Anisabad P.S. Gardanibagh Dist Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manta Devi wife of Deepak Kumar resident of Tahir Lane, Road No. 16
Anisabad P.S. Gardanibagh District Patna at Present C/o Kaushal Kumar
Gupta Resident of Kagazi Muhalla P.S. Siwan Nagar District Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.

For the Opposite Party/s: Mr. Shailendra Kumar-II (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015

Heard learned counsel for the parties.

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, this Court, taking into account the submissions made
by the learned counsel for the petitioner as also learned counsel for the
O.P. No. 2, would find it that there is still a possibility to save their
marriage if both of them have an honest intention and mutual belief in
each other.

Learned counsel for the petitioner has submitted that the
petitioner is fully prepared to give due respect to his wife/O.P. No. 2 as
also the child that he has from marriage with O.P. No. 2.

Learned counsel for the O.P. No. 2, on the other hand, has
submitted that the past experience of the O.P. No. 2 in the hands of the

petitioner and his family members, all of whom are accused in the complaint case filed by the complainant is very bad and as such she would find it difficult to believe on the changed face of the petitioner as with regard to keeping the O.P. No. 2 and her child with all due respect and dignity as would deserve in the hands of the husband/father.

This Court has carefully perused the allegation made in the complaint petition which basically arises out of demand of dowry. Learned counsel for the petitioner has submitted that neither the petitioner nor his family members had ever asked for payment of any dowry nor the petitioner or his family members are going to claim/ask for any dowry in future.

Considering all these aspects, this Court would direct the petitioner Deepak Kumar to surrender within a period of four weeks from today and give a written undertaking before the court below that upon being granted provisional bail, he shall go to the house of O.P. No. 2 and take along with him, his wife and child for living together in his own house and in case he fails to either take his wife and child with him or keep them with dignity and due respect.

If the petitioner does so, he shall be released on provisional bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Siwan District-Siwan in connection with Complaint Case No. 1967 of 2014, subject to the following further conditions:

- (i) That upon appearance of the petitioner and on giving



the aforementioned written undertaking by him, the court below shall grant him provisional bail for a period of four weeks. In this period of four weeks, the petitioner shall immediately go to the house of the O.P. No. 2 and get the O.P. No. 2 as well as his child back to his own house for living together and establishing matrimonial relationship in a dignified and descent manner.

- (ii) Upon expiry of the aforesaid period of provisional bail of four weeks, the petitioner as well as his wife/O.P. No. 2 shall appear before the court below which then having made enquiry from the O.P. No. 2 and finding that no further mental or physical torture was caused to her either by the petitioner and/or any family member of the petitioner, would extend the provisional bail for a period of three months.
- (iii) It goes without saying that if the petitioner does not behave or keep the O.P. No. 2 with due respect and dignity that a wife would deserve in the hands of the husband, his provisional bail shall be immediately cancelled.
- (iv) Upon expiry of the aforementioned period of three months of provisional bail, the petitioner shall again appear before the court below along with his wife

and if the court below after making enquiry from the O.P. No. 2, is satisfied about the dignified conduct towards the O.P. No. 2, the provisional bail to the petitioner shall be extended now for a period of six months.

- (v) Upon expiry of the aforesaid period of six months of provisional bail, the petitioner and O.P. No. 2 shall again appear before the court below and if there is no further complain by the O.P. No. 2 with regard to the behaviour of the petitioner and/or his family members towards the O.P. No. 2 or her child, his provisional bail shall be confirmed.
- (vi) 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.
- (vii) 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.
- (viii) 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.

- (ix) 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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