

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47200 of 2014

Arising Out of PS.Case No. -657 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Sujeet Kumar Mehta @ Sujit Kumar Mehta S/o Kameshwar resident of
village- Jogi Bigaha, P.S.- Jamhore, District- Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Sushma Devi W/o Sujeet Kumar Mehta D/o Jagdish Mehta Resident of
village- Salampur (Amauna), P.O.- Sudargani, P.S.- Risiup, District-
Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate.

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-05-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 323, 379 & 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and that the learned counsel for the petitioner, on the basis of the statement made in paragraph-8 reading as follows:

*" That the petitioner is husband and he is ready to keep
his wife."*

has submitted that the petitioner has prepared to not only keep the complainant as wife with due respect and dignity but also this Court would find from the order of the learned Sessions Judge dated 07.11.2014 that even the complainant was desirous of living with the petitioner by way of restoring of her conjugal life, this Court would direct that if the petitioner, namely, Sujeet Kumar Mehta @ Sujit Kumar Mehta surrenders on 08th June 2015 before the court below, the court below, on hearing the complainant as also

her learned counsel, shall pass an order granting provisional bail to the petitioner for a period of two months, on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 657 of 2013, subject to the following conditions:

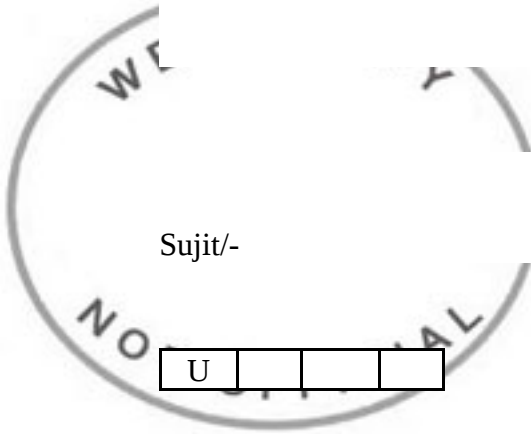
- (i) That the petitioner immediately after being granted provisional bail for a period of two months, he shall take his wife/complainant with him to his house and keep her with all respect and dignity that a wife would deserve in the hands of the husband and his family members.
- (ii) That on completion of period of two months of the provisional bail of the petitioner, he again with his wife/complainant shall surrender before the court below and if, on query being made from the complainant, it is found by the court below that the complainant was not given any sort of physical or mental torture by her husband/petitioner as well as his family members, such provisional bail of the petitioner shall be again extended for a period of four months.
- (iii) That it goes without saying that if the court below, on the other hand, from the statement of the complainant, finds that in the period of two months, she was badly treated by the petitioner and his family members, the provisional bail granted to the petitioner shall be cancelled and he shall be taken into custody.
- (iv) That on completion of period of four months, the



petitioner and the complainant shall again surrender before the court below and if this time, the court below also find that the complainant had no further complaint against the petitioner and/or his family member, the provisional bail of the petitioner shall be confirmed. It is again made it clear that if at this stage also, the complainant makes out any allegation of torture or misbehaviour by the petitioner/husband and/or his family members, his provisional bail shall come to an end and he will be taken to custody.

- (v) That both the bailors will be close family relatives of the petitioners, 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.
- (vi) 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.
- (vii) 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.
- (viii) 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)