

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11617 of 2015

Arising Out of PS.Case No. -2272 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Raju Kewat S/o - Naresh Kewat R/o - Dakhra, P.S. Kadwa, District-
Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Devi W/o - Raju Kewat, D/o Umesh Kewat , At prest R/o, Vill-
Tingachhiya, P.s. Kadwa, Distt- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 14-08-2015 Heard learned counsel for the parties.

The petitioner facing prosecution for the offence punishable under Section-498A of the Indian Penal Code, and being the husband has come out to assure this Court, that the petitioner is prepared to keep his wife Opposite Party No. 2, with all due care and dignity as a wife would deserve in the hand of the husband.

He also submits that though the learned counsel for Opposite Party No. 2, is unwell, but he has informed the learned counsel for the petitioner that even Opposite Party NO. 2 is prepared to live with the petitioner for leading her conjugal life for her whole life.



This Court taking into account the offer of the petitioner would direct that if the petitioner namely, **Raju Kewat** surrenders within a period of four weeks from today after giving prior notice to the learned counsel for Opposite Party No. 2, in the pending complaint case, indicating the day on which the petitioner shall surrender before the Court below. On such date both the petitioner and wife-Opposite Party No. 2 being present before the Court below, the petitioner shall be granted provisional bail 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 **S.D.J.M. Katihar** in connection with **Complaint Case No. C.A. 2272 of 2013**, on the following terms and conditions:-

- (i) After expiry of period of three months the petitioner and Opposite Party No. 2 shall again appear before the Court below and the trial Court will make inquiry from wife-Opposite Party No. 2, and on finding that she was not subjected to any cruelty, mental or physical by her husband or his

family members, the provisional bail of the petitioner shall be extended, this time for a period of six months.

(ii) After expiry of period of aforesaid six months, the petitioner and wife-Opposite Party No. 2 shall again appear before the Court below and the trial Court will make similar inquiry from Opposite Party No. 2, the wife, as to whether she was subjected to any cruelty, mental or physical by her husband or his family members and in the event of a satisfactory answer of opposite party no. 2 the provisional bail of the petitioner shall be extended, this time, for a period of one year.

(iii) After expiry of period of one year, the petitioner and wife-Opposite Party No. 2 shall again appear before the Court below and the trial Court on inquiry from Opposite Party No. 2, the wife, and being satisfied that she was not subjected to any cruelty, mental or physical by her husband or his family members, the Court below would confirm the provisional bail of the petitioner.

(iv) It is also made clear that the Wife-Opposite Party No. 2, at any point of time during the pendency of the present criminal case alleges that she was subjected to any cruelty, mental or physical by her husband or his family members,

the court below after making necessary enquiry and giving an opportunity to the petitioner shall be at liberty to cancel the bail of the petitioner.

(v) That both the bailors will be 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.

(vi) 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 bail on the ground of misuse.

(viii) 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.

(Mihir Kumar Jha, J)

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