

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5987 of 2015

Arising Out of PS.Case No. -2706 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

=====

Murli Paswan Son of Baldeo Paswan Resident of vill-Darampur Nistama,
P.S-Samastipur, Distt-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Ragini Devi W/O Murli Paswan & D/O-Baleshwar Paswan Resident of
vill-Rampur Bakhri, P.O-Basantpur Bakri, P.S-Sakra, Distt-Muzaffarpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv
For the Opposite Party/s : Mrs. Asha Kumari (App)
For the O.P No. 2 : Mr. Vijay Kumar @ V.K. Singh, Adv

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 19-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-498A, 313, 314, 379/34 of the Indian Penal Code and Section 3 /4 of the Dowry Prohibition Act, when this Court would find that the petitioner has always shown willingness to keep the Opposite Party No. 2, with him and in fact had also filed an application for restitution of conjugal rights being Matrimonial Case No. 277 of 2013, pending before the Principal Judge,



Family Court, Samastipur, and his wife Opposite Party No. 2 for the time being is living at Delhi is not prepared to return and live with the petitioner in his village home in the district of Samastipur in the State of Bihar, the petitioner should not be at least denied the benefit of bail.

In that view of the matter, this Court would direct the petitioner namely, **Murli Paswan**, to surrender before the Court below within a period of four weeks from today and if he does so he shall be released on 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 **Sub Divisional Judicial Magistrate, (East) Muzaffarpur** in connection with **Complaint Case No. 2706 of 2013**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

- (i) The petitioner on being granted bail, shall appear before the Family Court, Samastipur



on 14.09.2015 in the pending matrimonial Case No. 277 of 2013 on which day the Opposite Party No. 2 shall also remain present before the family Court at Samastipur and the Family Court thereafter on the same day or any other date to be fixed with consent of both parties explore the possibility of any amicable settlement between the petitioner and Opposite Party No. 2 and in the event the attitude of the petitioner is found to be hardened on account of which the settlement does not seem to be possible, the same shall be recorded in the ordersheet by the Family Court but if on the other hand, it is found that the Opposite Party No. 2, is still having stubborn attitude and is not prepared to live with the petitioner at his village home this aspect will be also recorded by the Family Court in its order to be passed either on 14.09.2015 or any other date on or before 14.10.2015 upon undergoing the process of conciliation.

(ii) In the process of conciliation it shall be open for the Family Court to explore any other mode of settlement between petitioner and Opposite Party No. 2. In the event of their not agreeing to live together by directing payment of a fixed monthly amount depending on the income of

the petitioner vis a vis the need of Opposite Party No.2 till the resolution of matrimonial dispute.

(iii) The petitioner on agreeing to pay fixed monthly amount to Opposite Party No. 2 before the Family Court would be entitled for confirmation of his bail.

(iv) The provisional bail of the petitioner on expiry of period of three months shall be confirmed by the trial Court on the basis of the finding recorded by the Family Court, Samastipur if the attitude of Opposite Party No. 2 is found to be stubborn and her being not prepared to live with the petitioner at his village home. On the other hand if the trial Court on the basis of finding recorded by Family Court, Samastipur finds the approach of the petitioner in not providing cordial atmosphere for living of the Opposite Party No. 2 with him at his village home, the petitioner shall not be granted any further extension of provisional bail and take the petitioner into custody.

(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 bailor 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.

(vii) 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.

Ranjan/-

U			
---	--	--	--

(Mihir Kumar Jha, J)