

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13971 of 2014

Arising Out of PS.Case No. -133 Year- 2013 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Pramod Kumar Gupta @ Pramod Sah Son Of Ram Ratan Sah Resident Of
Village- Sonbarsa, Chowk, P.S- Samastipur (Town), District- Samastipur.

.... Petitioner/s

Versus

1.The State Of Bihar

2.Mamta Devi wife of Pramod Kumar Gupta, d/o Kamleshwar Sah, Mohalla
Kathlabari Gumti, P.S. L.N. Mishra University, District Darbhanga.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 08-04-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner being the husband facing prosecution for the offence punishable under Section-498A of the Indian Penal Code is prepared to keep his wife, Opposite Party No. 2 with all respect and dignity and is also ready to take care of the child born out of the said marriage with Opposite Party No. 2, this Court is inclined to grant the privilege of anticipatory bail to the petitioner namely **Pramod Kumar Gupta @ Pramod Sah** surrenders within a period of four weeks from today, he would be released on provisional bail 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. Darbhanga**

in connection with **C.R. Case No. 133/2013 (G.R. No. 3571/2013)** on the following terms and conditions:-

(i) The petitioner shall surrender before the Court below on **27th of April, 2015** on which date the wife, Opposite Party No. 2 shall also remain present in the Court and if the petitioner gives a written undertaking for keeping his wife, opposite Party No. 2 along with the child with due respect and dignity, the petitioner will be granted provisional bail initially for a period of one month.

(ii) The petitioner shall again after expiry of period of one month shall appear before the trial Court and the trial Court will make inquiry from Opposite Party No. 2, the wife, as to whether she was subjected to any cruelty, mentally or physically by her husband or his family members. In the event of an answer in negative the provisional bail of the petitioner shall be extended for a period of one month and if the Opposite Party No. 2 alleges any further episode of mental or physical torture by the petitioner or his



family members, the provisional bail of the petitioner shall be immediately cancelled and he should be taken into custody.

(iii) This exercise of monthly verification from the wife and the surrendering of the petitioner on completion of one month of provisional bail shall continue for a period of one year and if the trial Court after one year finds that there is no complain of mental or physical torture by the wife, opposite party no. 2, against the petitioner or his family members, his such provisional bail continuing for a period of one year shall be confirmed.

(iv) 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.

(v) 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.

(vi) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons 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.

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(Mihir Kumar Jha, J)