

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43050 of 2014

Arising Out of PS.Case No. -529 Year- 2013 Thana -PHULWARI District- PATNA

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Vidya Bhushan Paswan, son of Bisheshwar Paswan, resident of village Partapur, P.S. Roh, District Nawada, at present residing at B/79, Amar Colony, Phase-2, P.S. Nagloi, District New Delhi

.... Petitioner

Versus

1. The State of Bihar
2. Rani Punam, D/o Binod Kumar Paswan, resident of village Chauharmal Nagar, P.S. Phulwarisharif, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.
Mr. Sada Nand Ray, Adv.

For the Opposite Party(State): Mr. S.N Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

6 30-07-2015 Heard learned counsel for the parties.

Having regard to the admitted position that the petitioner facing prosecution for offence under section 498A of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act has an obligation to maintain his wife with dignity and that he wants to do so and has only a reservation on account of attitude of O.P.No.2 of creating petty disputes on account of her allegedly being from more rich family, this Court is of the view that the married live of both petitioner and O.P.No.2 can be saved if both of them shelve their ego.

Thus, when Mr. Vikramdeo Singh, learned counsel for the petitioner, has assured this Court that the petitioner on his part is



fully ready to keep his wife- opposite party no.2 with him with due respect and dignity and the learned counsel for the opposite party no.2 has also reciprocated the offer of the petitioner by undertaking that she shall also treat her husband and her in-laws with due respect, this Court would be inclined to grant privilege of anticipatory bail to the petitioner.

This Court, accordingly, directs the petitioner to give written undertaking before the court below to the following effect, namely:-

(i) The petitioner on being granted provisional bail for a period of three months shall go to the house of O.P.No.2 in next one week and take her alongwith him to Delhi where he is presently posted and shall keep her with full dignity that a wife would deserve in the hands of the husband.

(ii) On completion of the period of three months both petitioner and O.P.No.2 shall again appear before the court and if the court below is satisfied that the behaviour of the petitioner and her parents allegedly living together with the petitioner was cordial and that no further complaint on account of their fault had cropped up, such provisional bail of the petitioner shall be extended this time for a period of six months.

(iii) Again after completion of the aforesaid period of six



months both petitioner and O.P.No.2 shall again appear before the court and if the court below is satisfied that the relationship between the petitioner and O.P.No.2 has improved, it would then extend the aforesaid provisional bail of the petitioner for a period of one year.

(iv) Upon expiry of the aforesaid period of one year the petitioner and O.P.No.2 shall again appear before the court below and if now the court below is satisfied with the petitioner's behaviour towards his wife- O.P.No.2 in this interregnum period to be good enough for maintaining their conjugal relationship, the provisional bail of the petitioner shall be confirmed.

(v) If during this period at any point of time O.P.No.2 finds the behaviour of the petitioner and/or family members to be unbearable she may file a written complaint to the court below, whereafter the provisional bail granted to the petitioner shall be cancelled but only after giving opportunity of hearing to the petitioner.

Subject to filing of written undertaking incorporating the aforementioned conditions by the petitioner, Vidya Bhushan Paswan, and his surrendering before the court below within a period of four weeks from today, he shall be released on provisional bail initially 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 Sri Jyoti Prakash, Judicial Magistrate, Patna in Phulwarisharif P.S.Case No.529/2013, also subject to the following conditions:

(a) That both the bailors will be a 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.

(b) That the bailor shall also state on affidavit that he 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.

(c) 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.

surendra/-

(Mihir Kumar Jha, J)

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