

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18747 of 2015

Arising Out of PS.Case No. -160 Year- 2014 Thana -RAJIVNAGAR District- PATNA

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Raju Kumar @ Guddu Rai @ Guddu. S/o Sri Ram Balak Rai. R/v - Amrudi Bagicha, Road No.- 23, P.S.- Rajeev Nagar, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Varsha Rani @ Resham Kumari. D/o Sri Surendra Rai. R/v - Mandiri, P.S.- Budha Colony, Distt.- Patna.

.... Opposite Party/s

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with

Criminal Miscellaneous No.18880 of 2015

Arising Out of PS.Case No. -160 Year- 2014 Thana -RAJIVNAGAR District- PATNA

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1. Ram Balak Rai S/o Sri Amrudhi Rai R/v Amrudi Bagicha, Road NO. 23, P.s - Rajeev Nagar, Distt- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Varsha Rani@Resham kumari D/o - Sri surendra Rai R/v - Mandiri, P.s - Budha Colony, Distt- Patna

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-498A, 341, 323, 354/34 of the Indian Penal Code, this Court upon hearing learned counsel for the petitioner and learned counsel for Opposite Party No. 2, respectively, is of the view that the petitioners would not



be entitled for the privilege of provisional bail because there is genuine reason for apprehension in the mind of the Opposite Party No. 2, wife, that she was not treated with due respect and in fact, even if, she goes back with the petitioner-husband to the house of the other petitioner-Father-in-law, she may not remain safe and secure.

Learned counsel for the petitioners, however, has assured on behalf of both petitioners Ram Balak Rai, the Father-in-Law and Raju Kumar, the husband, that they will ensure that the Opposite Party No. 2, the wife, Varsha Rani is given no longer any opportunity to make a complaint as with regard to mental or physical torture in any manner. Learned counsel for the petitioners has, however, submitted that Wife-Opposite Party No. 2 should also behave in a decent manner to restore confidence of the family in her, specially when she has lived with the family of the petitioners only for one day.

Considering the aforementioned facts and the more relevant aspect that there is possibility of restoration of



peaceful conjugal and matrimonial life of the petitioner, Raju Kumar with Opposite Party No. 2 which in result would give solace also to the Father-in-Law, Ram Balak Rai, this Court would direct that if the petitioner **Ram Balak Rai (Criminal Miscellaneous No. 18880 of 2015)** and petitioner **Raju Kumar (Criminal Miscellaneous No. 18747 of 2015)**, surrenders within a period of four weeks from today, they would be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each, to the satisfaction of **J.M. 1st Class, Patna** in connection with **Rajeev Nagar Case No. 160 of 2014 (G.R. No. 6166 of 2014)** on the following terms and conditions:-

- (i) A written undertaking would be given by both the petitioners that they shall not only go to the house of the Opposite Party No. 2, to take her to their own house but would also keep her with due respect and dignity, as a Wife/Daughter-in-Law would deserve in the hands of the Husband and/or the family members including the Father-in-Law and on filing of such

undertaking both the petitioners would be granted provisional bail for a period of six weeks.

(ii) Both the petitioners after expiry of period of six weeks along with Opposite Party No. 2, shall appear before the Court below and the Court below 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, Father-in-Law or his family members. If the trial Court finds that the wife- Opposite Party No. 2 was kept with due care and dignity and treated well by the husband, Father-in-Law and his family members the provisional bail of both the petitioners shall be extended for a period of three months but if the Opposite Party No. 2 alleges any further episode of mental or physical torture by the petitioners or his family members, the provisional bail of the petitioners shall be immediately cancelled and they would be taken into custody.

(iii) Upon expiry of aforesaid period of three months of provisional bail, the petitioners as well as Opposite Party No. 2 shall again appear before the trial Court and if this time the trial Court is satisfied that the Opposite Party No. 2 was kept with due care and dignity that a Wife/Daughter-in-Law would deserve in the

hands of the Husband and/or the family members including the Father-in-Law, the provisional bail of both the petitioners shall be again extended now for a period of six months.

(iv) After this exercise of grant of provisional bail on three occasions namely for six weeks, three months and six months, if the trial Court is satisfied in course of inquiry made from the Opposite Party No. 2 in presence of the petitioners that she no longer was subjected to any physical or mental torture, the provisional bail of both the petitioners shall be confirmed but in the event of answer in negative the provisional bail of the petitioners shall be cancelled.

(v) Since, the Wife-Opposite Party No. 2 had lived in the Sasural for one day either on her own volition or on account of alleged mental or physical torture, she would also be allowed to meet her family members, if they visit the house of the petitioners but for the time being, she will not be going back to her own house (Naihar) during the continuance of the period of the provisional bail of the petitioners.

(vi) If there be any more hick-ups between the two sides, it will be always open for either of the party to approach the Court below to iron out the difference by making necessary judicial

intervention issuing necessary direction either to the petitioners and/or opposite party no.2.

(vii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(viii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their 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.

(ix) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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