

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18635 of 2015

Arising Out of PS.Case No. -98 Year- 2014 Thana -MANER District- PATNA

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Raj Kumar @ Raju. Son of Lal Babu Singh. Resident of village - Balua,
P.S.- Maner, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Archana Sinha, D/o Upendra Sinha, W/o Raj Kumar @ Raju,
Resident of Amat, P.S. Karai Parsurai, Dist. Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-06-2015

Learned counsel for the petitioner prays for and is
allowed to implead Kumari Archana Sinha as opposite party no.2.

Having regard to the nature of allegation for offence
under Section 498A, 341, 323, 324, 307 and 34 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act in the First
Information Report dated 19.3.2014 as also the subsequent
development taking place in the proceeding of Lok Adalat dated
5.12.2014 and the undertaking given by the petitioner in this
application of restoring his relationship with his wife, the opposite
party no.2, this Court, for the time being, would be inclined to
direct for grant of bail to the petitioner, namely, Raj Kumar @
Raju on furnishing bail bond of Rs. 10,000/- (ten thousand) with
two sureties of the like amount each to the satisfaction of Chief

Judicial Magistrate, Patna in connection with Maner P.S. Case No. 98 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also on following conditions:-

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- (i) The petitioner must surrender within a period of four weeks from today whereafter he shall be granted provisional bail for a period of four weeks on giving a written undertaking of not only going to the house of opposite party no.2 but also taking her along with him to his own home for restoring his matrimonial relationship in a dignified manner.
 - (ii) In this period of four weeks, the petitioner shall go to the house of the opposite party no.2 and shall take her along with him to his house for restoring the matrimonial relationship and keeping her in a dignified manner.
 - (iii) After completion of four weeks of the provisional bail, the petitioner and the opposite party no.2 shall appear before the court below and if the court below is satisfied that not only the opposite party no.2 had been taken back to the house of the petitioner but has also been treated with all respect and dignity that a wife would deserve in the hands of her husband, the provisional bail of the petitioner shall be extended for a period of four months.
 - (iv) Upon expiry of the period of aforesaid four months of



provisional bail, the petitioner shall again with his wife opposite party no.2 appear before the court below and if the court below, on making enquiry from the opposite party no.2, is satisfied that she was treated well by the petitioner and/or his family members without causing any physical and/or mental torture, such provisional bail shall be again extended, this time for a period of six months.

- (v) If even thereafter the petitioner's conduct and behavior towards his wife the opposite party no.2 is found to be fully satisfactory by the court below, the provisional bail of the petitioner shall be confirmed.
- (vi) If, however, the petitioner, at any point of time, fails to abide by his undertaking either in respect of taking back the opposite party no.2 to his house or keeping her with all respect and dignity, his bail, on a written complain of the opposite party no.2, shall be liable to be cancelled and he shall be taken into custody.
- (vii) Both the bailors will be a close relative of the petitioner, who will undertake 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.

(viii) 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.

(ix) The petitioner will be well represented on each and every date in course 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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