

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51134 of 2014

Arising Out of PS.Case No. -1213 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Chandan Kumar Singh Son of Late Parmeshwar Singh, Resident of village-
Jigin, P.S.- Balia Belon (Kadwa), District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Lakhi Kumari D/o Prabhash Yadav, Resident of village- Jigin, P.S.- Balia
Belon (Kadwa), District- Katihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-05-2015 Heard learned counsel for the parties.

Having regard to the prayer for anticipatory bail of the petitioner for the offences punishable under Sections-498A/34 of the Indian Penal Code, learned counsel for the petitioner has submitted that there has been love marriage between the petitioner and the complainant wife-Opposite Party No. 2, there would be hardly any occasion for the petitioner to demand dowry or torture her for demand of dowry. He has also referred to the statement made in paragraph no. 7, wherein, it has been stated as follows:-

“That it is stated that the petitioner is always ready to keep the complainant with full dignity and honour.”

Having regard to the aforementioned statement



made in paragraph no. 7, this Court is inclined to grant the privilege of anticipatory bail to the petitioner namely **Chandan Kumar Singh**, if he surrenders within a period of four weeks from today, 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. Katihar** in connection with **C.A. Case No. 1213 of 2013**, on the following terms and conditions:-

(i) The petitioner shall surrender before the Court below on **26th June, 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 with due respect and dignity, the petitioner will be granted provisional bail initially for a period of three months with a direction to take his wife along with him to his house for living together.



(ii) The petitioner, after expiry of aforesaid period of three months, shall appear before the trial Court along with his wife opposite party no.2 and the trial Court thereafter 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 affirmative, the provisional bail of the petitioner shall be immediately cancelled and he would be taken into custody but on the other hand if there be no further complaint of the opposite party no. 2 against the petitioner and/or his family members, the provisional bail of the petitioner shall be confirmed.

(iii) 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.

(iv) 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.

(v) 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)