

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47201 of 2014

Arising Out of PS.Case No. -152 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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Uttam Kumar Singh @ Bajrangi Singh Son of Vijay Singh resident of
village- Rampur, P.S.- Arrah (M), District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

2 Sita Devi, D/o Ramawadhesh Singh, w/o Uttam Kumar Singh, resident of
Village Ramur, P.O- Krishnagarh Dewaria, P.S.- Ara (O.P), Dhobaha,
District- Bhojpur. At present resident of Village Balhat Balua, P.S.- Ara
Mufassil, District- Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh, Advocate.

For the Opposite Party/s: Mrs. Pushpa Sinha 2 (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 30-07-2015

Heard learned counsel for the parties.

The petitioner facing prosecution for offence under
Sections 323, 406, 498-A and 504/34 of the Indian Penal Code and
Section 3 and 4 of the Dowry Prohibition Act, had created an
impression that he was/is always agreed to have a cordial
relationship with his wife specially when he has got two children
from the said marriage.

This Court, accordingly, had issued notice to the O.P.
No. 2, the wife and today, learned counsel for the O.P. No. 2
submits that she is also prepared to live with the petitioner, her
husband, if she is given due respect and her children are taken care
of by the petitioner.

Learned counsel for the petitioner, in reply, submits that the petitioner will give all due respect and care to the O.P. No. 2 as well as his two children.

This Court, therefore, would now like to test the bona fide of the petitioner. For this purpose, this Court would direct the petitioner Uttam Kumar Singh @ Bajrangi Singh to surrender within a period of four weeks from today, and if he does so, he shall be released on provisional bail for a period of two months on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur in connection with Mahila P.S.Case No. 152 of 2014, subject to the other following conditions:

- (i) That both the bailors will be close family relatives 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.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if she is, she shall not be released on bail.
- (iii) 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 her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of her bail on the ground of misuse.

(iv) That 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.

The petitioner on being provisional bail shall take along his wife, O.P. no. 2 and his two children to his home and after completing period of two months of his provisional bail shall appear in the court below with his wife and if the court below is satisfied that within the aforesaid period of two months, the wife was duly taken care of and the children were also well treated by the petitioner, his provisional bail shall be extended now for a period of four months.

After the aforesaid period of four months, the petitioner and his wife shall again appear before the court below and if this time, the court below again, after making inquiry from the O.P. No. 2 and the petitioner is satisfied that the conjugal relationship has improved and there is peace and harmony in the

family life of opposite party and her two children the provisional bail of the petitioner shall then be extended for a period of next eight months.

On expiry of the aforesaid period of eight months, once again the petitioner and the O.P. No. 2 shall appear and if the court below is fully satisfied that in the extended period of provisional bail, the relationship of the petitioner with O.P. No. 2 was cordial and the children were also looked after well, his provisional bail shall be confirmed.

It is made clear that in this duration, at any point of time, on a written complaint of the wife O.P. No. 2 of she or her children being ill-treated by the petitioner and his family members, the bail bond of the petitioner shall be immediately cancelled, of course, after affording an opportunity of hearing to the petitioner.

With the aforesaid observations and direction this application is finally disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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