

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48678 of 2014

Arising Out of PS.Case No. -459 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Umesh Mehta son of Ram Charitar Mehta resident of village - Ratanpura,
P.O. Bharthauli, P.S. Baroon, District - Aurangabad

.... Petitioner

Versus

1. The State of Bihar
2. Manju Devi, wife of Umesh Mehta, resident of village Ratanpura, P.S. Baroon, District Aurangabad, at present Bairiya, P.S. Mali, District Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

3 16-07-2015

Heard learned counsel for the parties.

The petitioner facing prosecution for offence under sections 498A, 323 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act has taken a plea that he is ready to keep the complainant, his wife, with full dignity and affection. On such a submission of the petitioner made in paragraph no.8, this Court had issued notice to O.P.No.2 who has appeared through her counsel and the learned counsel states that O.P.No.2 is also ready to live with the petitioner.

That being so, if the petitioner and O.P.No.2 appear before the court below and the petitioner would also give a written undertaking not to ill-treat his wife- O.P.No.2 in any manner, he shall be initially granted provisional bail for a period of three months.



The petitioner thereafter shall take his wife along with him for living together and keeping her with due dignity and affection and upon completion of the period of three months both the petitioner and O.P.No.2 shall again appear before the Court below which, after making enquiry from O.P.No.2 and finding that she was treated well would again extend the provisional bail of the petitioner this time for six months. After expiry of the period of aforesaid six months both the petitioner and O.P.No.2 shall again appear before the court below and if this time the court below on enquiry from O.P.No.2 would find that the behaviour of the petitioner as also the family members towards the complainant was good and that she was kept with full dignity and affection by the petitioner as a duly wedded wife, such provisional bail of the petitioner shall be confirmed.

It is made clear that during continuance of provisional bail if at any point of time O.P.No.2, the complainant, would make an allegation of being ill-treated by the petitioner and/or his family members, the court below will be at liberty to cancel the provisional bail of the petitioner after giving an opportunity of hearing to the petitioner.

Subject to the aforementioned conditions, if the petitioner, Umesh Mehta, surrenders before the court below within a period of four weeks from today, he shall be released on provisional bail

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 the Sub-divisional Judicial Magistrate, Aurangabad in Complaint Case No. 459/2013 and also the following additional conditions:

(i) 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.

(ii) 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.

(iii) 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.

(Mihir Kumar Jha, J)

surendra/-

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