

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 29686 of 2014

Arising Out of PS.Case No. -154 Year- 2014 Thana -NAUBATPUR District- PATNA

=====

Sanjay Mahto S/o Late Sahdeo Mahto R/v Uttari Sangat Kumhartoli, P.S. -
Phulwarisharif, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deepa Devi Daughter of Ram Gobind Chauhan, resident of Village-
Adawan, P.S. Naubatpur, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party Nos. 2 : Mr. Raman Kumar Thakur &
Mr. Bhagya Narayan Jha, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

16 23-11-2016

Heard learned counsel for the parties.

Pursuant to order dated 09.11.2016, the petitioner,
his elder brother as also the opposite party no. 2 and her minor
daughter, are present.

Without going into the rival contentions, since the
parties have agreed between themselves that the opposite party
no. 2 shall reside with the petitioner and today also before the
Court the petitioner has taken a categorical stand that he shall
keep the opposite party no. 2 and his daughter with full dignity,
hounour and security and shall also provide for their needs, the
application is being disposed off in the following terms:

The petitioner shall go to the house of the opposite



party no. 2 on 28th November, 2016 when the opposite party no. 2 along with her minor daughter shall accompany the petitioner and they shall appear before the Court below, where the petitioner shall give an undertaking to the Court that he shall keep the opposite party no. 2 along with the minor daughter with full dignity, honour and security and shall also provide for their needs. Both the parties shall thereafter appear on the first working day of the month before the Court below, every month, where the statement of the parties shall be recorded by the Court for the next nine months. If after nine months, the Court finds that the relationship is restored, the provisional bail of the petitioner shall be confirmed. If the need arises, the opposite party no. 2 shall be at liberty to approach the local police station and the Station House Officer of the P.S. shall be duty bound to intervene in the matter and ensure that the opposite party no. 2 is not threatened in any way. The opposite party no. 2 shall be free to talk to, meet and interact with her relatives and also visit their place without any let or hindrance by the petitioner or his other family members. In the event of violation of any of the terms and conditions, the opposite party no. 2 shall file a petition before the Court below, bringing on record such fact, whereupon, the Court below, after hearing the parties, shall pass appropriate orders,

including cancellation of the bail bonds of the petitioner and it shall be deemed that the prayer for bail has been rejected by this Court, even after confirmation of his bail.

The elder brother of the petitioner namely, Mr. Vijay Mahto and his wife, namely Mrs. Sunita Devi, who is also present, submitted that they shall not interfere in the life of the opposite party no. 2 and shall make all efforts to ensure that the opposite party no. 2 and her daughter are kept properly. The said stand, which amounts to an undertaking to the Court, if violated, in any manner whatsoever, shall lead to penal consequences for Mr. Vijay Mahto and Mrs. Sunita Devi and if a petition is filed bringing on record any such breach, the Court may initiate appropriate action against them.

The opposite party no. 2 is further given liberty to approach either the lower Court or this Court in the event of any violation of the aforesaid conditions or threat of any nature by the petitioner, Mr. Vijay Mahto, Mrs. Sunita Devi or any other family member, even after confirmation of bail of the petitioner.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--