

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29570 of 2014

Arising Out of PS.Case No. -111 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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Binod Kumar Raj Son of Uma Shankar Rai, Resident of Village - Majhauri, P.S.-
Bidupur, P.O.- Bidupur, District - Vaishali, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari, wife of Binod Kumar Rai, resident of Village-Manjhauri, P.S.-
Bidupur, District-Vaishali. At present resident of Village-Mathura, P.S.-
Bidupur, District-Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-01-2016

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

As per order dated 14.10.2015, the notice was
served on opposite party no. 2 through the local PLV who has also
forwarded her statement which has been signed by her in the
presence of three witnesses and also by the concerned PLV.
Though, the opposite party no. 2 has reiterated the allegation
against the petitioner but has also stated that if the petitioner
wants to keep her and the child with full dignity and love, she is
ready for the same.

At this stage, in view of such stand by the opposite
party no. 2, learned counsel for the petitioner once again
reiterates that he is ready to keep the opposite party no. 2 and the

child with him in the matrimonial home with full dignity, honour and security.

Learned A.P.P. submits that the interest of the opposite party no. 2 may be safeguarded.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the application stands disposed off in the following terms:-

The petitioner shall appear before the Court below on 1st of February, 2016 along with a copy of this order. He shall give an undertaking to the Court that he shall keep the opposite party no. 2 and the child with him with full dignity, honour and security and shall also provide for all their needs. He shall also undertake that the opposite party no. 2 shall be free to talk to and meet her relatives without any let or hindrance either by the petitioner or his family members. The petitioner shall then go to the house of the opposite party no. 2 and take her and the child with him latest by 8th February, 2016 and shall file an appropriate affidavit before the Court below showing such compliance. The Court shall fix dates in the case every month for the next nine months when the petitioner and the opposite party no. 2 shall appear before the Court on the dates fixed and the Court shall record a finding with regard to the status of the relationship. If after nine months, the Court comes to the conclusion that the relationship has been restored, the provisional bail granted to the petitioner shall be confirmed.

The opposite party no. 2 shall be at liberty to file an application before the Court below in the event there is any violation of the terms of the undertaking given by the petitioner or if she feels otherwise threatened. If such a petition is filed, the Court concerned, upon hearing the parties shall proceed to pass appropriate orders including cancellation of the bail bonds of the petitioner. The liberty granted to the opposite party no. 2 shall continue even after the bail of the petitioner has been confirmed.

(Ahsanuddin Amanullah, J.)

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