

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33431 of 2014

Arising Out of PS.Case No. -194 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIF)

=====

Babloo Kumar Son of Sri Chamroo Sah, Resident of Gousala Road, P.S.-Mokama, District-Patna at presently residing at Bahri Begampur, Sidhe Bazar (Patna Sahib Rentar of Tapsi Paswan), Bypass, P.S.-Mahadev Asthan, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sony Kumari, W/o Bablu Kumar, D/o Saryug Prasad, R/o Phurakiya Bazar, Malsalami, District- Patna, presently C/o Bhondu Kumar, Room Honor, Village- Begampur, District- Patna and presently residing at Saryug Prasad, R/o Village- Mirganj, P.S. Biharsharif, District- Nalanda.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-02-2016

Heard learned counsel for the parties.

Pursuant to order dated 10.02.2016, the petitioner as well as the opposite party no. 2 are also present.

Without going into the merits, learned counsel for the petitioner submits that the parties are living together along with the minor child and the provisional bail granted to the petitioner earlier on 13.11.2014 may be confirmed. He further submits that the opposite party no. 2 i.e., wife has allegation against his father of maltreatment but now he has taken a separate residence where the petitioner's father does not come and thus the couple are living peacefully along with their minor child.

Learned A.P.P., upon instructions from the opposite

party no. 2 submits that though there is allegation of maltreatment against the father of the petitioner but he has also not stopped taunting the petitioner that he would not have lived with her but for the child.

Learned counsel for the petitioner, upon instructions from the petitioner himself, submits that the same is not true as the opposite party no. 2 is referring to what the people of the locality tell her and she is gullible enough to believe it. However, learned counsel for the petitioner as well as the petitioner take a categorical stand before the Court that the petitioner shall keep the opposite party no. 2 as his sole wife along with the minor child with full dignity, honour and security. The opposite party no. 2 herself pleads that the Court may give one opportunity to the petitioner and may not take a strict view for the present.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and ascertaining the views of the petitioner and the opposite party no. 2, the Court deems it appropriate to dispose off the application in the following terms:-

The petitioner shall appear before the Court below along with the opposite party no. 2 on 3rd March, 2016 along with a copy of this order where the petitioner shall give an undertaking to the Court that he shall keep the opposite party no. 2 along with the minor child with him with full dignity, honour and security

and shall also provide for all their needs. He shall also give an undertaking 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 Court shall then fix dates in the case every month. On every date the petitioner and the opposite party no. 2 shall appear before the Court where the Court shall record a finding with regard to 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. In the event there is any violation of the terms and conditions of the undertaking or if the opposite party no. 2 feels otherwise threatened, she shall be at liberty to file a petition before the Court below. If such a petition is filed, the Court after hearing the parties shall proceed to pass appropriate orders including cancellation of the bail bonds of the petitioner and it would be deemed that this Court has rejected the prayer for bail of the petitioner. The liberty granted to the opposite party no. 2 shall continue even after the bail of the petitioner is confirmed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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