

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7400 of 2015

Arising Out of PS.Case No. -109 Year- 2014 Thana -BRAHMPURA District- MUZAFFARPUR

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Sandeep Kumar Sonof Sri Satya Narayan Chaudhary resident of Mohalla -
Dera Goan, Juranchhapra Road No.4, P.S. Brahmpura, District -
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Suruchi, W/o Sandeep Kumar, D/o- Pawan Kumar, at present resident of
Juranchhapra Road No. 4 Dera Goan, P.S. Brahmpura, District -
Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh
For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

9 28-03-2016 Heard learned counsel for the petitioner and learned
counsel for the Opposite party No. 2.

The petitioner apprehends his arrest in connection with
Brahampur P.S. Case No. 109 of 2014 registered for the offences
punishable under Sections 499(A), 323/34 of the Indian Penal
Code.

The petitioner and the opposite party no. 2 along with
her daughter are present in Chambers today.

The matter has been lingering since long and all
possible efforts have been made to reconcile the matter between
the parties. On 26.08.2015, this Court with the aid of counsel
appearing on behalf of the petitioner and the opposite party no. 2
had carved out the mechanism, in which both the parties have



been encouraged to approach each other so that, if possible normal marital relations be restored between the parties. On 14.12.2015, the matter came up once again, in which Opposite Party No. 2 stated that despite the order passed earlier, the petitioner had not taken any concrete steps to interact with the opposite party no. 2 and her daughter and yet she was willing to forget the past relations. This Court had again encouraged the parties to resolve their dispute and had afforded further opportunity of three months so that the dispute between the parties may be settled amicably.

However, the parties have come back today and it does not appear that there has been any reconciliation of the dispute. The petitioner appears to be absolutely recalcitrant and it appears that there has been no change in his behavior. Opposite party no. 2 and her daughter are living in fear and continuation of such relationship, at this stage, does not seem to be feasible and conducive to the mental growth of the child.

Having interacted with the parties and after considering the facts and circumstances of the case, let the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is/are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like

amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura P.S. Case No. 109 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C., with further conditions as under :

- (i) One of the bailers shall be the close relative of the petitioner, preferably, father or mother, who shall undertake to the Court below regarding his good conduct and behavior.
- (ii) The petitioner shall not indulge in any act or conduct, which shall prejudice the opposite party no. 2 and her daughter in any manner and if, at all, there shall be any untoward incident, it shall be open to the opposite party no. 2 to move this Court for modification/cancellation of this order.

Jagdish/-

(Anjana Mishra, J)

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