

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7244 of 2017**

Arising Out of PS.Case No. -492 Year- 2016 Thana -BAGHA District-  
WESTCHAMPARAN(BETTIAH)

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Nand Kishore Vin @ Bin, Son of Pheku Bin, Resident of Village- Jamunia,  
P.S.- Bathwaria, District- West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Umarawati Devi, D/o Subhash Mukhiya, Resident of Village- Noniapatti,  
P.S.- Bhairoganj, District- West Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Ram Bachan Singh

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

2      01-03-2017                      Heard learned counsel for the petitioner and the  
  
State.

The petitioner seeks bail in Bagaha (Pathkauli) P.S.  
  
Case No.492 of 2016 instituted for the offence under Section  
  
498A of the Indian Penal Code.

The petitioner is husband of the informant. It has  
  
been submitted that he is always ready to keep the informant with  
  
all dignity and care. It has been submitted on behalf of the  
  
opposite party no.2 that she is ready to live with the husband.

In such circumstances, the petitioner is directed to be  
  
released on provisional bail for a period of six months on  
  
furnishing bail bond of Rs.10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned S.D.J.M., Bagaha, West Champaran in connection with Bagaha (Pathkauli) P.S. Case No.492 of 2016, subject to the conditions that both the bailors shall be the close relative of the petitioner. The petitioner will appear in the court below along with wife within 15 days of his release from the custody and thereafter the court below will monitor the relationship by calling both of them in every month and in the event the court below finds that the conjugal relationship has been restored or could not be restored on account of indifferent attitude of the wife, the court below will confirm the provisional bail of the petitioner. It is made clear that in the event the court below finds that the petitioner does not appear in the court below along with wife within fifteen days of the release and produce substantive proof that he had gone to his wife and wife has not appeared with him, the court below will issue notice to the wife and on her appearance shall try to monitor the relationship to restore the conjugal relationship and in the event the relationship could not be restored on account of indifferent attitude of wife or the wife does not appear even after service of notice the provisional bail of the petitioner will be confirmed after six months to the satisfaction of the court below.

It is made clear that in the event the court below finds



that the husband is not keeping her properly or after appearance in the court below, the wife is ready to go with her husband but the husband is not ready to take her or the wife on her appearance during period of monitoring complains of committing physical and mental torture by the petitioner, the court below will be at liberty to pass appropriate order in accordance with law and would also be at liberty to cancel the provisional bail granted to the petitioner. In the event both husband and wife appear in the court below within fifteen days of release of the husband, the court below will take appropriate bond from both the parties to its own satisfaction that they will live together and will not commit physical and mental torture with each other.

**(Sanjay Priya, J)**

Arvind/-

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