

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11581 of 2017

Arising Out of PS.Case No. -442 Year- 2016 Thana -SITAMARHI District- SITAMARHI

- =====
1. Sujit Kumar Singh, S/o Kaushlendra Kumar Singh @ Rabindra Singh,
at present residing in village- Muliya Chak, Ward No. 5 Sitamarhi,
P.S.+ District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Devi @ Rinku Kumari, W/o Sujit Kumar Singh, D/o Ram Babu
Singh, R/o Murliyachak, Ward no. 5, Sitamarhi, P.S. + District-
Sitamarhi, at Present residing in Mohalla- Aadarsh Nagar, P.S. +
District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 22-03-2017

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

The Petitioner seeks bail in Sitamarhi P.S. Case
No.442 of 2016 instituted for the offence under Section(s) 341,
342, 323, 498-A, 504, 506/34 Indian Penal Code.

Petitioner is husband of the informant. Allegation
against him is of committing physical and mental torture with the
wife. He is in custody since 01.09.2016.

It is stated in para 8 that the petitioner is very much
inclined to keep the wife with him with due respect and dignity. It
has further been submitted that earlier also the informant had



lodged a case against him under Section 498-A Indian Penal Code.

In view of specific statement made in para 8 of the petition, let the Petitioner, above named, be released on provisional bail for a period of one year on furnishing bail bond of ₹10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No.442 of 2016, subject to the conditions that both the bailors shall be the close relative of the petitioner.

During the period of provisional bail, the petitioner will keep the wife with him and both will appear in Court below every two months and in the event the Court below finds that good conjugal relationship have been restored between the husband and wife and wife does not make any complaint about the physical and mental torture committed by the petitioner during the period of her stay with him or Court below finds that good conjugal relationship could not be restored on account of indifferent attitude of wife, the Court below shall confirm the provisional bail of the petitioner after one year.

It is made clear that during the period of monitoring in the event the wife makes complain about physical and mental torture committed by the petitioner, it will be open to the Court



below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

It is further made clear that in the event the Court below is satisfied by cogent and satisfactory reason that the petitioner has made efforts during the period of provisional bail to take the wife with him but the wife is not willing to live with the petitioner, the Court below will confirm the provisional bail of the petitioner after one year.

(Sanjay Priya, J)

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