

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21708 of 2017

Arising Out of PS.Case No. -307 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajesh Kumar Prasad, son of Jagdeo @ Jagdeo Bhagat, resident of
village- Mahwata, P.S.- Madhuban , District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nirmala Devi, w/o Rajesh Kumar Prasad, resident of village-Mahwata,
P.S.-Madhuban, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Smt. Reena Sinha, APP

Mr. Nafisuzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 25-07-2017

Heard learned counsel for the petitioner and the
learned A.P.P. for the State as well as counsel for the Opposite
Party No.2.

The Petitioner seeks bail in Madhuban P.S. Case
No.307 of 2016 instituted for the offence under Section(s) 302,
498-A/34 Indian Penal Code.

Wife-Opposite Party No.2 is present in Chambers
today. Husband is in custody. Wife has stated that she is ready to
live with the husband provided he keeps her with his family with
full dignity. Petitioner is in custody since 28.12.2016.

In the facts and circumstances of the case, let the
Petitioner, above named, be released on provisional bail for a
period of six months to be calculated from the date of his release



on furnishing bail bond of ₹10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, 4, East Champaran at Motihari, in connection with Madhuban P.S. Case No.307 of 2016, subject to the conditions that both the bailors shall be the close relative of the petitioner.

Petitioner after his release on provisional bail will take his wife to his paternal home after filing an Affidavit in the Court below that he will keep her with full dignity and care along with his family members or at the place where he lives/works. During the period of provisional bail, the Court below will monitor the relationship between the parties by calling both of them every month in the Court and in the event the Court below finds that good conjugal relationship has been restored between husband and wife and wife does not make any complain about the physical and mental torture committed by the petitioner during the period of her stay with him, the Court below will confirm the provisional bail of the petitioner after six months.

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 and the Court below is satisfied with such statement, 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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