

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11472 of 2017

Arising Out of PS.Case No. -878 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EAST CHAMPARAN(MOTIHARI)

=====

Dilip Sahani, Son of Late Inderjeet Sahani, Resident of Village-Ekauna
P.S.-Chiraiya, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Heera Mati Devi, Wife of Dilip Sahani, daughter of Jai Ram Sahani
Resident of Village-Kawal Pur Kanahi Tola, P.S.-Turkaiya, District-
East Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Complaint Case No. 878 of
2013 (Trial No. 1396 of 2016) instituted for the offence under
Sections 323, 324, 379, 498A and 504/34 of the Indian Penal Code.

Earlier petitioner was released on provisional bail by a
coordinate Bench of this Court vide order dated 17.9.2015 passed in
Cr. Misc. 44293 of 2015 but he was arrested because his bail bonds
was cancelled as he did not appear before the court below on the date
so fixed.

It has been submitted on behalf of the petitioner that he is
ready to keep his wife (opposite party No. 2).

Learned counsel for the opposite party No. 2 has submitted
that the petitioner has violated the terms and condition of the order



dated 17.9.2015 and, therefore, his bail bond was cancelled and he has been arrested. He has performed another marriage with Basmati Devi. It has further been submitted that Maintenance case is pending between the parties.

Petitioner has denied of performing second marriage with Basmati Devi. He has further stated that he is ready to keep the opposite party No. 2 (wife).

In such circumstances, the petitioner is directed to 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 Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Manoj Kumar, Judicial Magistrate, 1st Class, Sikrahana at Dhaka, East Champaran, in connection with Trial No. 1396 of 2016 arising out of Complaint Case No. 878 of 2013 subject to the condition that both the bailors will be the close relatives of the petitioner.

During the period of provisional bail, the court below will try to restore conjugal relationship between petitioner (husband) and the opposite party No. 2 (wife) by issuing notice to the wife-Opposite Party No.2 and 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 have been restored between husband and wife or wife does not make any complain 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, or the wife does not appear even after service of notice, the Court below will confirm the provisional bail of the petitioner after six months.

S.Ali/-

(Sanjay Priya, J)

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

