

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7861 of 2017

Arising Out of PS.Case No. -376 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

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Umesh Mehta

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Aurangabad (Town) P.S.

Case No. 376 of 2016 instituted for the offence under Section 341, 323, 307, 498A and 379 of the Indian Penal Code Section 3/4 of the Dowry Prohibition Act.

Petitioner is husband of the informant.

It has been submitted that earlier a Complaint Case was filed by the informant vide Complaint Case No. 459 of 2013 in which the petitioner was granted anticipatory bail vide order dated 16.7.2015 passed in Cr. Misc. No. 48678 of 2014.

The petitioner did not surrender in terms of the aforesaid order. Thereafter, again he filed petition for modification of the order which was rejected by this Court vide order dated 12.05. 2016 passed in Cr. Misc. No. 16444 of 2016.



It has been submitted that petitioner appeared in court on 17.12.2016 to take his wife. On that date, he was assaulted by the informant and her family members for which he filed a complaint in the same court on 17.12.2016. He has annexed the order dated 17.2.2016 of the S.D.J.M., Aurangabad as Annexure-2/1.

The Informant has filed case under section 459 of I.P.C. on 17.1.2016 making allegation that when she was going to court of S.D.J.M. with her husband from her Sasural she was assaulted in the way by the petitioner and other accused persons on her chest, head and back etc.

The petitioner is in custody in that case since 20.12.2016.

Learned counsel for O.P. No.2 is present. She has stated that she is always ready to live with her husband.

She has further submitted that husband is not giving maintenance to her and commits physical and mental torture with her.

It has been submitted on behalf of the husband that he will keep the wife with him.

In such circumstances, the petitioner will file affidavit in the Lower Court that he will keep the wife with full



dignity and honour and in that event the court below will enlarge the petitioner on provisional bail for a period of six months on executing bail bond of Rs. 10,000/- (Ten thousand) with two sureties. Both the bailors will be close relative. Thereafter, the petitioner will take the wife with him within ten days from his release. Thereafter, both will appear in the court below every month and in the event the court below find that good conjugal relationship has been restored the provisional bail will be confirmed.

It is made clear that in the event, the petitioner does not appear with his wife within ten days from his release without valid explanation that he had gone to take the wife but she did not appear or during the period of monitoring, the wife makes complaint about physical and mental torture committed by the petitioner, the court below will be at liberty to cancel the provisional bail of the petitioner.

(Sanjay Priya, J)

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