

Arising Out of PS.Case No. -1036 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

.... Petitioner/s

1. The State of Bihar.
2. Suman Devi Wife of Dharmendra Kushwaha, Resident of Village- Katkuiya Tola Mathia, P.O.- Katkuiya, P.S.- Kuber Sthan, District- Kushinagar (Uttar Pradesh), Presently residing as daughter of Late Bhimsen Kushwaha, Resident of Village- Bhapsa, P.O.- Dounaha, P.S.- Dhanha, District- West Champaran (Bihar).

.... Opposite Party/s

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5
For the Opposite Party/s : Mr. Sri Binod Kumar 2



complainant/opposite party No. 2 and petitioner Nos. 2 to 6 are parents and brothers of petitioner No. 1.

The allegation against the petitioners is of committing torture to the complainant.

The notices were issued to the opposite party No. 2. The opposite party no. 2 has also appeared through her lawyer.

It has been submitted on behalf of the petitioners that petitioner No. 1 is always ready to keep his wife with full honour and dignity and he is also taking steps for treatment of opposite party no. 2.

From the complaint petition, it appears that there is no specific allegation against petitioner Nos. 2 to 6.

In the facts and circumstances of the case, the prayer of the petitioner Nos. 2 to 6 for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner Nos. 2 to 6, above named, within six weeks from today in connection with Complaint Case No. 1036 of 2014, Trial No. 3990 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bagaha, West Champaran, subject to the conditions as laid down



under Section 438(2) of Cr.P.C.

So far as petitioner No. 1 being husband of the complainant/opposite party no. 2 is concerned, in the facts and circumstances of the case, the petitioner No. 1 is directed to surrender before the court below and make prayer for regular bail along with an affidavit that he will keep his wife with full honour and dignity and in that event, the court below will enlarge the petitioner No. 1 on provisional bail for a period of nine months and issue notice to the complainant and try to reconcile the matter between the parties by calling them in court every month. If the court below succeeds in restoring conjugal relationship between husband and wife or the conjugal relation could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner No. 1 shall be confirmed.

It is made clear that in the event the court below finds that wife makes complaint against the husband of committing mental and physical torture with her during period of reconciliation or the court is satisfied that the husband is not keeping her properly and also that after appearance in the court, the wife is ready to go with her husband but the husband is not ready to take her, the court below will be at liberty to pass



appropriate order in accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner No. 1 without taking into consideration the aforesaid observations of this Court.

With aforesaid observations, the application is disposed off.

(Sanjay Priya, J)

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