

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11977 of 2019

Arising Out of PS. Case No.-125 Year-2016 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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DEVENDRA SAH, S/o Surendra Sah, Resident of Village- Tajpur Saraiya,
P.S.- Rajepur Tetaria, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sumitra Devi, W/o Devendra Sah, D/o Ram Briksh Sah, at present residing
at Village- Pedari Korihar Bansh, P.S.- Parsauni, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Opposite Party No.1:		Mr. Mukeshwar Dayal, APP
For the Opposite Party No.2:		Mr. Saroj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 16-08-2019 By order dated 26.02.2019, petitioner was granted provisional bail in connection with Tr. No.2657 of 2016 arising out of Complaint Case No.C1-125 of 2016 to the satisfaction of the Chief Judicial Magistrate, Sitamarhi. Thereafter, matter was sent to Mediation Centre. Mediator has submitted his report, which is kept at flag-‘R’, wherein, it is mentioned that there is some hesitation/confusion in the mind of Opposite Party No.2 for attitude of the petitioner.

Counsel for the petitioner submits that he is keeping the informant with him for last two months. It is mentioned in para 9 of the bail petition that petitioner is always ready to keep



her with full respect and dignity. He has not performed any second marriage. Counsel for the petitioner further submits that informant is living with him and he is taking all care of her as per his income. Petitioner is truck driver.

Counsel for the informant submits that wife (Opposite Party No.2) is still uncertain and petitioner is not taking proper care of her.

In such circumstances, provisional bail of the petitioner is extended for a further period of six months. The petitioner will remain on same bail bond.

The petitioner and the Opposite Party No.2 will live together and the Court below will monitor the relationship between petitioner and Opposite Party No.2 by calling them every month in Court. In the event Court below finds that conjugal relationship has been restored between the parties and Petitioner is taking all care of her or the Opposite Party No.2 is not co-operating in restoring conjugal relationship, the Court below will confirm the provisional bail granted to the petitioner after six months.

It is made clear that in the event during conciliation proceeding the Court below finds that conjugal relationship could not be restored on account of indifferent attitude of



petitioner and the petitioner is not taking proper care of
Opposite Party No.2, the Court below will pass appropriate
order for cancellation of bail bond of petitioner after six months.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

J. Alam/-

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