

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54074 of 2019

Arising Out of PS Case No.-438 Year-2018 Thana- BRAHMPUR District- Buxar

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1. Santosh Kumar Singh, (Male) aged about 26 years, Son of Late Sitaram Singh, Resident of Village- Kant, P.S.- Brahmpur, District- Buxar.
 2. Lagni Kunwar, (Female), aged about 52 years, Wife of Late Sitaram Singh Resident of Village- Kant, P.S.- Brahmpur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi, Wife of Santosh Kumar, Resident of Village- Kant, P.S.- Brahmpur, District- Buxar. At reside Daughter of Sri Suresh Yadav, at Village- Dhawai, P.S.- Dawath, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Singh, Advocate
For the Opposite Party No. 2	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the petitioners; learned APP for the State and learned counsel for the opposite party no. 2.

2. The petitioners apprehend arrest in connection with Brahmpur PS Case No. 438 of 2018 instituted under Sections 341, 323, 504, 498(A) of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.



3. The petitioners are accused in the case filed by the opposite party no. 2, who is the wife of the petitioner no. 1, alleging demand of dowry and torture.

4. Learned counsel for the petitioners submitted that he would not address the Court on merit for the reason that the petitioner no. 1 is present in Court and has given an undertaking that he shall keep the opposite party no. 2 in the matrimonial home with him with full dignity, honour and security. The opposite party no. 2 is also present in Court. She also agrees to go and live with the petitioners. However, she apprehends that the petitioners may not keep her well.

5. On this, learned counsel for the petitioners as well as the petitioner no. 1, submitted that the Court may impose conditions. It was further assured that the opposite party no. 2 shall be kept without any condition and full care shall be taken of her.

6. Having regard to the aforesaid, in the event of arrest or surrender before the Court below, within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Brahmpur P.S. Case No. 438



of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further that both the petitioners shall give an undertaking before the Court that they shall keep the opposite party no. 2, in the matrimonial home with full dignity, honour and security. The petitioner no. 1 shall also undertake that he would take care of all the expenses of the opposite party no. 2 and shall also provide her with sufficient money for her personal and casual expenses. He shall also undertake that the opposite party no. 2 shall be allowed to freely call, meet or visit any person she desires and the petitioners shall not put any hindrance to the same. It shall also be undertaken that all medical expenses of the opposite party no. 2 shall be taken care of by the petitioner no. 1.

7. As has jointly been agreed, the petitioner no. 1 shall go to the house of the opposite party no. 2 and bring her to the matrimonial home on 6th December, 2019.

8. Any violation of the terms and conditions of the undertaking shall lead to cancellation of the bail bonds of the petitioners and they shall be taken into custody. The opposite party no. 2 shall be free to bring any breach of the terms to the notice of the Court below, which, after hearing the parties, shall pass



appropriate orders thereon, within two weeks from the date of filing of such application.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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