

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60657 of 2019

Arising Out of PS. Case No.-106 Year-2019 Thana- HATHUA District- Gopalganj

1. SARVES PRASAD @ SARBESH KUMAR Son of Shankar Deyal Prasad Resident of Village - Manjha Sudha Sah Ka Tola, P.S.- Manjhagarh, Distt - Gopalganj.
2. Ankit Kumar Son of Shankar Deyal Prasad Resident of Village - Manjha Sudha Sah Ka Tola, P.S.- Manjhagarh, Distt - Gopalganj.
3. Pinku Prasad @ Pinku Kumar Son of Shankar Deyal Prasad Resident of Village - Manjha Sudha Sah Ka Tola, P.S.- Manjhagarh, Distt - Gopalganj.
4. Shankar Deyal Prasad Son of Late Sudarshan Prasad Resident of Village - Manjha Sudha Sah Ka Tola, P.S.- Manjhagarh, Distt - Gopalganj.
5. Suman Devi Wife of Shankar Deyal Prasad Resident of Village - Manjha Sudha Sah Ka Tola, P.S.- Manjhagarh, Distt - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-09-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Hathua P.S.Case No.106/19 registered for offences punishable under Sections 341, 323, 504 of the Indian Penal Code and Section 3/4 of the D.P.Act.

Petitioner no.1 is husband and the other accused persons are in-laws of the informant. There is allegation of demand of one motorcycle and Rs.1 lac , for which assaulted and subjected her to cruelty.



Submission of the learned counsel for the petitioners is that the allegations are false and concocted, they are still ready to keep her .

On the other hand the learned counsel for the O.P.no.2 has appeared *suo motu* and submitted that as she was subjected to cruelty and she is ready to reside with the petitioner if she is not subjected to assault and allowed to live with the dignity and care.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far petitioner nos. 2 to 5 are concerned, they are directed to surrender before the learned court below within a period of two weeks from the date of receipt of the order and on surrender they will be released on bail to the satisfaction of the learned court below.

So far petitioner no.1 is concerned, he will surrender on 14.10.2019 and on that day O.P.no.2 shall also remain present and on filing affidavit by the petitioner that he will keep her with dignity and care and will not be subjected to assault in future, the petitioner shall be released on provisional bail for a period of six months and during that period, both the parties have to appear before the learned court below so that the learned



court below may watch their conduct and the matrimonial relationship between the parties and once being satisfied with the conduct of the parties especially the conduct of the petitioner, the bail bond of the petitioner shall be confirmed, otherwise the learned court below is free to pass any other order or orders as he deems fit and proper.

At the same time, it is made clear that if the O.P.no.2 does not appear, the learned court below shall released the petitioner on bail to his own satisfaction.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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