

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76483 of 2019

Arising Out of PS. Case No.-238 Year-2019 Thana- CHOUTARWA District- West
Champaran

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Babulal Sah @ Babulal Turha Son of Naresh Sah Resident of Village -
Manpur Mathiya, P.S.- Bathwariya, Distt - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi Wife of Babulal Sah @ Babulal Turha, D/o Banu Sah Resident of
Village - Juri Miyan Ka Tola, Post Office - Kehuniya, P.S.- Shikarpur, Distt -
West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-03-2020 Heard learned counsel for the petitioner and learned
counsel for the informant.

The petitioner in the present case is the husband of
opposite party no.2 and is seeking anticipatory bail in
connection with Choutarawa (Bathwariya) P.S. Case No.238 of
2019 registered for the offences punishable under Sections 341,
323, 498A and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is looking for an amicable resolution of the dispute
with opposite party no.2 and in order to proceed with such
amicable settlement and leading of the happy conjugal life he is
ready to visit the place of opposite party no.2 and bring her back



to her matrimonial home where she will be living as legally wedded wife with full dignity and care.

Learned counsel for the opposite party no.2 submits that the opposite party no.2 is also willing to live with the petitioner, however, the petitioner should not indulge in the same kind of beating which he has been giving to the opposite party no.2 in past.

Learned counsel for the petitioner submits that the petitioner has never indulged in such kind of act and will undertake not to do any such act against the opposite party no.2

In the given facts and circumstances of the case as agreed by the petitioner through his learned counsel, he would visit the place of opposite party no.2 by 18th March, 2020 in order to bring her back to the matrimonial home and in this regard he will give prior information of the date of his visit to the opposite party no.2 as well as concerned police Station Shikarpur in the district of West Champaran. If the petitioner visits the place of opposite party no.2 she will accompany him in terms of the statements made before this Court by her learned counsel. In case of breach of the undertaking by the petitioner in bringing the opposite party no.2 to her matrimonial home by the aforesaid date, the same will be brought to the notice of the



learned court below by the opposite party no.2.

Let in the event of his arrest or surrender within a period of four weeks from today, the petitioner abovenamed be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Choutarawa (Bathwariya) P.S. Case NO.238 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

and subject to the further condition that in case the petitioner fails to abide by his undertakings as recorded hereinabove, on such information being furnished by the



opposite party no.2 in the court below steps shall be taken for
cancellation of bail bond of the petitioner.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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