

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77990 of 2019**

Arising Out of PS. Case No.-261 Year-2019 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

1. Hira Sah, aged about 30 years, Male, son of Laxmi Sah,
2. Laxmi Sah @ Laxmi Gupta, aged about 55 years (M), son of Late Sri Nath Sah,
Both resident of Village- Kasthari, P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi, aged about 27 years, Female, wife of Hira Sah, Resident of Village- Kasthari, P.S.- Durgawati, District- Kaimur at Bhabua. At present address, resident of village- Atarwaliya, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Pandey, Advocate
For the State	:	Mr. Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 11-01-2021

Heard Mr. Rajani Kant Pandey, learned counsel for the petitioners and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Complaint Case No.261 of 2019 dated 27.02.2019, instituted under Section 498-A of the Indian Penal Code.

3. The petitioner no. 1 is the husband of the opposite party no. 2.



4. Pursuant to earlier orders, second supplementary affidavit has been filed on behalf of the petitioners in which it has been stated that the opposite party no. 2 and her three children are living in the matrimonial home.

5. Earlier, a report was called from the Superintendent of Police, Kaimur. The same has been received and scanned copy of it is reproduced hereinunder:

आपांक 04 / विधि शाखा	पुलिस अधीक्षक का कार्यालय, कैमूर(मधुआ)। दिनांक - 5/1/21
सेवा में	श्री आनन्द मोहन मेहता सहायक लोक अभियोजक, माननीय उच्च न्यायालय, पटना।
प्रसंग :-	Cri.Misc.No.-77990/2019
विषय :-	माननीय उच्च न्यायालय पटना के Cri.Misc.No.-77990/2019 एवं मोहनियों धाना कांड सं०-261/2019 में न्यायालय द्वारा पारित आदेश दिनांक-08.12.2020 के अनुपालन से संबंधित प्रतिवेदन भेजने के संबंध में।
महाराज,	
	उपर्युक्त प्रसंगाधीन विषय के संबंध में माननीय उच्च न्यायालय पटना के Cri.Misc.No.-77990/2019 एवं मोहनियों धाना कांड सं०-261/2019 के संबंध में धानाग्रह मोहनियों के DR.NO-45/21 दिनांक-05.01.2021 के द्वारा अनुपालन प्रतिवेदन समर्पित किया गया है जिसकी छायाप्रति पत्र के साथ संलग्न कर भेजी जा रही है।
	सादर सूचनार्थ।
अनुलग्नक :-यद्योपरि।	
	G. 5/1/21 पुलिस अधीक्षक, कैमूर।



आपांक 45/21

आनातयका का कार्यालय, मोहनिया धाना।
दिनांक- 05/01/2021

सेवा में,

पुलिस अधीक्षक, मोहनिया
कैमूर (मधुआ)।

प्रसंग - माननीय उच्च न्यायालय, पटना द्वारा क्रिमिनल मिसलेनियस नं०-77990/19
में पारित आदेश दिनांक-08.12.19।

विषय- अनुपालन प्रतिवेदन के संबंध में।
महाराष्ट्र

उपरोक्त प्रसंगाधिन विषय के संदर्भ में सादर सूचित करना है कि प्रासंगिक प्रपत्र के माध्यम से आवेदक हिरा साह पेठ खन्नी साह ग्राम-कस्बरी, धाना-दुर्गावती, जिला-कैमूर का आवेदन जांच हेतु उचित माध्यम से प्राप्त हुआ। उक्त आवेदन को जांच दिनांक-30.12.2020 को घटनास्थल पर जाकर आवेदक हिरा साह एवं उनकी पत्नी पिकी देवी के समक्ष दोनों बीच हुए विवाद का जांच पड़ताल किया गया। जांच में पाया गया कि पिकी देवी अपने मायके ग्राम-अतरवेलिया धाना-मोहनिया, जिला-कैमूर में करीब 04 वर्षों से अपने पति से विवाद के कारण मायके में रह रही थी। दोनों पक्षों को पुछताछ एवं स्थानीय लोगों के सहयोग से समझाया सुझाया गया। तत्पश्चात् पिकी देवी अपने साथ अपने पति हिरा साह के साथ ससुराल में बसेवा से रहने के लिए तैयार हुई। तत्पश्चात् दोनों पति-पत्नी अपने राजी-खुशी से अपने ससुराल ग्राम-कस्बरी, धाना-दुर्गावती, जिला-कैमूर में जाकर रहने लगे।

अतः श्रीमान को सादर सूचनार्थ प्रेषित।

अनुलग्नक -

1. दोनों पक्ष के द्वारा लिखे सहमति की प्रामाण्यति।



विश्वरामाजन
05/01/21
आनातयका
मोहनिया धाना।



7. Learned APP submitted that the Court may impose suitable conditions on the petitioners so that the opposite party no. 2 and her three children are able to live safely and in peace in the matrimonial home.

8. Learned counsel for the petitioners agreed to conditions being imposed.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Chief Judicial Magistrate, Kaimur at Bhabua, in Complaint Case No.261 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (a) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (b) that the petitioners shall give an undertaking before the Court that the opposite party no. 2 and her three children would be kept in the matrimonial home with full dignity, honour and security and that all their needs shall be taken care of. The petitioners shall also undertake that the opposite party no. 2 and her three



children would be allowed to talk to, meet or visit any person they desire without any let or hindrance from the petitioners or their family members. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of the bail bonds of the petitioners.

10. Further, the opposite party no. 2, in the event of any breach of the terms and conditions of the undertaking or the bonds or for reasons which so justify, shall be at liberty to file an application before the Court below giving details of the conduct of the petitioners or their other family members with regard to the opposite party no. 2 and her three children facing any hardship, threat or trouble in their stay in the matrimonial home. Upon such petition being filed, the Court below after giving an opportunity of hearing to the petitioners shall pass appropriate reasoned order, latest within one month from filing of the petition. If it is found that the allegations of the opposite party no. 2 is correct, the bail bonds of the petitioners shall be cancelled.

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

12. The Court below shall get a copy of this order served on the opposite party no. 2, through her learned counsel,



within one week of the order being received by it.

(Ahsanuddin Amanullah, J)

J. Alam/-

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