

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37384 of 2023**

Arising Out of PS. Case No.-1546 Year-2022 Thana- SIWAN COMPLAINT
CASE District- Siwan

=====

SHYAM MANOHAR SON OF KUNJ BIHARI RESIDENT OF VILLAGE -
CHANDIPUR, P.S. - WARSALIGANJ, DISTRICT - NAWADA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR, PATNA
2. ASMITA DEVI WIFE OF SHYAM MAHAHAR RESIDENT OF VILLAGE -
CHANDIPUR, P.S. - WARSALIGANJ, DISTRICT - NAWADA. PRESENT
ADDRESS - ASMITA DEVI, DAUGHTER OF SHRI NANDJE PRASAD SINGH,
RESIDENT OF VILLAGE - BHORE, P.S. - BHORE, DISTRICT - GOPALGANJ,
AT PRESENT - SHIWAN TARWARA MORE, VIDDUT COLONEY, P.S. -
SARAI, DISTRICT - SHIWAN

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashutosh Singh
For the Opposite Party/s : Mr.Yogendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-10-2023 Heard Mr. Ashutosh Singh, learned counsel for the

petitioner and Mr. Yogendra Kumar Singh, learned A.P.P. for the

State.

The petitioner apprehends his arrest in connection
with complaint case No. 1546 of 2022 (Tr. No. 3727 of 2023)
registered for the offence under Sections 498A of the Indian
Penal Code and Section 4 of the D.P. Act.

The complainant is subjected to assault and torture on
account of non-fulfillment of demand of dowry and she has been
ousted from her matrimonial home by the petitioner.



In compliance of the order 22.08.2023, the petitioner has filed a supplementary affidavit stating therein that he undertakes to keep the opposite party No.2/complainant with full dignity and honour as his wife.

Learned counsel for the complainant/O.P. No.2 submits that she has no objection if she is taken to her matrimonial home and she also stated that she wants to live with the petitioner as wife.

Further, on the consent of the parties, the petitioner will go to his matrimonial home to bring his wife/complainant on **24th November, 2023** and the complainant shall also give respect and honour to the petitioner and both the parties will take all possible attempt to restore their conjugal life.

Considering the facts and circumstances of the case and the undertaking of the petitioner, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Siwan in connection with complaint Case No. 1546 of 2022 (Tr. No. 3727 of 2023), subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

It is made clear that if the petitioner fails to act as per the undertaking given by him, the bail bonds of the petitioner shall stands cancelled automatically.

(Rajesh Kumar Verma, J)

brajesh/-

U			
---	--	--	--

