

Arising Out of PS. Case No.-169 Year-2022 Thana- MAIRWAN District- Siwan

Arising Out of PS. Case No.-169 Year-2022 Thana- MAIRWAN District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr.Nagendra Kr. Singh, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP
For the informant : Mrs. Priyanka Singh, Advocate

For the Petitioner/s :	Mr.Nagendra Kt. Singh, Advocate
For the Opposite Party/s :	Mr.Lakshmi Kant Sharma, APP
For the informant :	Mrs. Priyanka Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Mairwa PS case no. 169 of 2022 instituted for the offences punishable under Sections 341, 323, 307, 498A, 504, 506/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The informant who is the wife of the petitioner has alleged that the marriage in between them had been solemnized in the year, 2017 as per Hindu rites and rituals, whereupon, out of the said wedlock, one child was born but the petitioner and his family members used to torture the



informant on account of non-fulfilment of the demand for dowry. It is also alleged that the petitioner had assaulted the informant on 25.04.2022 along with his relatives and had then ousted her from the matrimonial home.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 29.06.2022. The learned counsel for the petitioner has further submitted that the petitioner is ready to keep his wife with due honour and dignity and would also never assault her.

The learned counsel for the informant has submitted that in case, the petitioner is ready to keep his wife with due dignity and honour and to the said effect is ready to furnish an undertaking before the learned court below, also stating therein that he would never assault her or harass her by demanding dowry, the prayer of the petitioner for grant of bail shall not be opposed.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that since the parties



i.e. the petitioner and his wife i.e. the informant are ready to live together and the petitioner is ready to maintain her wife with due honour and dignity, I deem it fit and appropriate to direct for release of the petitioner on bail, subject to him furnishing an undertaking before the learned court of S.D.J.M. Siwan in connection with Mairwa PS case no. 169 of 2022, to the effect that he would keep his wife with him with due honour and dignity, he would maintain her with proper care and dignity, he shall never engage in any misbehaviour with his wife and he will never assault his wife and further subject to such conditions, as may be deemed fit and proper to be imposed by the learned court of S.D.J.M., Siwan in connection with Mairwa PS case no. 169 of 2022.

It is needless to state that in case, the petitioner either does not take his wife to her matrimonial home along with him or does not honor the aforesaid undertaking to be furnished by the petitioner, the informant shall be at liberty to file a petition before the learned court below for cancellation of bail, which shall be considered on its own merit and appropriate orders shall be passed thereon by the learned court below, which shall also be vested with the power to cancel the privilege of bail being granted to the petitioner, whereupon,



the petitioner would be liable to be taken into custody,
forthwith.

(Mohit Kumar Shah, J)

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