

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6039 of 2017

Arising Out of PS.Case No. -843 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA
=====

1. Md. Nadeem Shekh, son of late Nasir Shekh, resident of village/mohalla- Taj Colony, P.S.-Kotwali, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

2. Sajiya Praveen @ Hena, W/o Md. Nadeem Sheikh, resident of Mohalla-Taj Colony, P.S. Kotwali District-Gaya, at Present resident of D/o Md. Munna Shekh through Md. Aman, R/o Mohalla- Murarpur (Side of Arvind Studio) P.S. Kotwali, District-Gaya

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party No.1: Mr. Satyadev Pd Singh Yadav, APP

For the Opposite Party No.2: Mr. Arbind Kumar, Advocate
=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 29-03-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Complaint Case No.843 of 2013 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Husband and wife are present in Court. Husband is ready to keep the wife in his ancestral house at Gaya and is also ready to deposit a sum of rupees four thousand per month in the account of the wife for maintenance of her and her two children.

Wife has submitted that she has filed maintenance case in the Court below.

The wife is agree to live in ancestral house of her



husband. However, she has some reservation on rupees four thousand as her maintenance. At this stage, this Court does not feel it proper to enhance the amount of maintenance as this Court is hearing anticipatory bail application. Fixation of final amount of maintenance will be done by the Court below in the maintenance case.

As an interim arrangement, the petitioner will deposit rupees four thousand per month by 10th of every month in the account of the informant for her maintenance and her minor children.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Gaya, within a period of four weeks from today in connection with Complaint Case No.843 of 2013, along with Affidavit that he will keep the wife with full dignity and care in his ancestral house in Gaya and in the event the Court below finds that petitioner is ready to keep the wife with full dignity and care in the ancestral house, the court below will release the petitioner on provisional bail on its own satisfaction for a period of one year and will monitor the relationship between the parties by calling both of them every two months in the Court and in the event the Court below finds that good conjugal relationship have been restored between husband and wife and wife does not make any complain about the physical



and mental torture committed by the petitioner during the period of her stay with him in his ancestral house or Court below finds that good conjugal relationship could not be restored on account of indifferent attitude of wife, or the wife in spite of best efforts of the husband as per his ability is not ready to live with him or to adjust with him, the Court below will confirm the provisional bail of the petitioner after one year.

It is made clear that in the event the petitioner does not surrender in the Court below along with Affidavit, as ordered above, or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner or on appearance of wife the petitioner does not become ready to take her with him, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner without taking into consideration the observations made above by this Court.

The complainant-Opposite Party No.2 will provide her bank account number to the petitioner in which he will deposit the amount of maintenance by 10th of every month.

The application stands disposed off.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

