

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3735 of 2017

Arising Out of PS.Case No. -26 Year- 2016 Thana -MAHILA P.S. District- MUNGER

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1. Md. Mojahiddul Islam @ Mojahiddul Islam, son of Md. Danish Ali,
resident of Kathalbari, P.S. Radha Nagar, District Sahebganj (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha, Adv.

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner, who is the husband of the complainant, seeks bail in Mahila P.S. Case No.26 of 2016 instituted for the offence under Sections 498A/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that the petitioner is ready to keep the wife with all dignity and care.

In such circumstances, the petitioner shall file an affidavit in the learned court below that he is ready to keep his wife with all dignity and care and in that event the learned court below will enlarge the petitioner on provisional bail for a period of six months and issue notice to the wife, the complainant, fixing date for her appearance and try to restore the relationship between



them by calling them in court every month. If the court below succeeds in restoring conjugal relationship between the husband and wife or the conjugal rights could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner shall be confirmed.

It is made clear that in the event the court below finds that wife makes complaint against the husband of committing mental and physical torture with her during period of reconciliation or the court is satisfied that the husband is not keeping her properly and also that after appearance in the court, the wife is ready to go with her husband but the husband is not ready to take her, the court below will be at liberty to pass appropriate order in accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner without taking into consideration the aforesaid observations of this Court.

With aforesaid observations, the application is disposed off.

Arvind/-

(Sanjay Priya, J)

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