

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24428 of 2017

Arising Out of PS.Case No. -28 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. NIRAJ PASWAN @ NIRAJ KUMAR PASWAN, son of Gopal Paswan, resident of village- Chakla, Post Office- Basanwara, Police Station- Alamnagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anjani Devi, wife of Niraj Paswan @ Niraj Kumar Paswan, resident of Village- Chakla, Post Office- Basanwara, Police Station- Alamnagar, District- Madhepura. Presently living with her father namely Satrugan Paswan, resident of village- Karotti Bazar, Ward No. 3, Police Station- Udakishunganj, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 05-09-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Notice was issued to the Opposite Party No.2, but none appears on her behalf.

Petitioner apprehends his arrest in Complaint Case No.C-28 UK of 2015 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner is husband of the Opposite Party No.2. It has been submitted that he is ready to keep the wife with full dignity and care.



In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura, within a period of four weeks from today in connection with Complaint Case No.C-28 UK of 2015, along with Affidavit that he will keep the wife with full dignity and care and in the event the Court below finds that petitioner is ready to keep the wife with full dignity and care, the court below will release the petitioner on provisional bail to its own satisfaction for a period of six months and will issue notice to the wife- Opposite Party No.2 and on appearance of Opposite Party No.2, will try to reconcile the matter and will monitor the relationship between the parties by calling both of them every month 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 or Court below finds that good conjugal relationship could not be restored on account of indifferent attitude of wife, or the wife does not appear even after service of notice, the Court below shall confirm the provisional bail of the petitioner after six months.



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 and the Court below is satisfied with such statement 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 application is, accordingly, disposed of.

(Sanjay Priya, J)

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