

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15173 of 2017

Arising Out of PS.Case No. -109 Year- 2016 Thana -BELA District- SITAMARHI

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1. Md. Jahid Ansari @ Md. Jahid Hussain, son of Md. Idris, resident of village- Mujaulia, P.S.- Sonbarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rehana Khatoon, D/o Late Md. Yunus, resident of village- Khursaha, P.S.- Bela, District- Sitamarhi, W/o Md. Jahid Ansari @ Md. Jahid Hussain.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP
Mr. Virendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 13-07-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Bela P.S. Case No.109 of 2016 instituted for the offence under Section(s) 341, 323, 307, 498-A, 406, 504 Indian Penal Code.

Both wife and husband are present in Court.

It appears that the wife is quite indisposed. She has stated that she has been assaulted by the petitioner-husband.

Husband has stated that he is ready to keep the wife with full dignity and care. He will also take proper care of her health.

Counsel for the Opposite Party No.2 submits that



she is also ready to live with the petitioner provided he keeps her 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. Chief Judicial Magistrate, Sitamarhi, within a period of four weeks from today in connection with Bela P.S. Case No.109 of 2016, 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 if Opposite Party No.2 becomes ready to live with the petitioner, the Court below 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 has 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 will 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.

It is quite natural that the petitioner will provide proper medical aid to his wife when she goes to live with him and will also take proper care of her health and other expenses with regard to her treatment.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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