

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42982 of 2017

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Md. Naushad, son of Mujibul Sah, resident of village-Chardresanpur, P.S.-
Rahika, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Saimun Khatoon, d/o Jabl Sah, r/o Rahika, P.S.-Rahika, District-Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 22-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **TR.No.370 of 2017 arising out of C.R. No.330 of 2015 (C.R. No.309 of 2015)** instituted for the offence under Section(s) 498-A Indian Penal Code.

Counsel for the petitioner has submitted that he is ready to keep Opposite Party No.2-wife with full dignity and care.

Notice was issued to the Opposite Party No.2, which has validly been served, but none appears on behalf of the Opposite Party No.2.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court



below i.e. **Chief Judicial Magistrate, Madhubani**, within a period of four weeks from the date of receipt of a copy of this order in connection with **TR.No.370 of 2017 arising out of C.R. No.330 of 2015 (C.R. No.309 of 2015)**, along with Affidavit that he will keep the wife with full dignity and care and in that event the Court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six months and will issue notice to the wife-Opposite Party No.2 and in the event the Opposite Party No.2 becomes ready to go and 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 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 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 to which the Court below is satisfied 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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