

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10079 of 2017

Arising Out of PS.Case No. -341 Year- 2012 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Kamlesh Yadav S/o Ram Bhajan Yadav, Resident of Village-Horil Bagicha P.S.-Ghoshi, District-Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Devi, W/o Kamlesh Yadav, Resident of Village-Horil Bagicha P.S.-Ghoshi, District-Jehanabad at Present Makarpur, P.S.-Makhdumpur, District-Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 341 of 2012 instituted for the offence under Section-498(A), of the Indian Penal Code and Section-4 of the Dowry Prohibition Act.

The petitioner is husband of the complainant. The notice was issued to opposite party No. 2 which has validly been served but neither the complainant (opposite party No. 2) appeared herself nor any lawyer appeared on her behalf.

Learned counsel for the petitioner has submitted that the petitioner is ready to keep the informant (his wife) with full honour and dignity.



In such circumstances, this application is disposed of with direction to petitioner to surrender before the court below i.e. learned Sub Divisional Judicial Magistrate, Jehanabad within a period of four weeks from today in connection with Complaint Case No. 341 of 2012 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 honour and dignity, the court below will release the petitioner on provisional anticipatory bail on its own satisfaction for a period of nine 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 succeeds in restoring good conjugal relationship 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 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.

(Sanjay Priya, J)

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