

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6115 of 2017

Arising Out of PS.Case No. -1 Year- 2016 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Shankar Yadav, Son of Sri Ramchandra Yadav, Resident of Village-
Fulkaha, P.S. Gamharia, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lalita Devi, W/o Shankar Yadav, D/o Ramchandra Yadav, Resident of
Village- Fulkaha, Ward No. 6 Post Fulkaha, P.S. Gamharai, District-
Madhepura, at Present address- Lalita Devi, D/o Ramchandra Yadav,
Resident of Village- Amha Post Amha, P.S. Supaul, District- Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party No.1: Mr. Manoj Kumar, APP

For the Opposite Party No.2: Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 10-04-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.C-01 of 2016 instituted for the offence under Section(s)
323, 498-A, 504/34 Indian Penal Code.

Both husband and wife have appeared in Court.

Husband is ready to take his wife and children. The
wife is also ready to go with husband to live with him.

In such circumstances, this application is disposed
off with direction to petitioner (husband) to visit the house of his
wife on 24.04.2017 and take his wife and children with him and



thereafter both will surrender before the Court below i.e. ACJM-IV, Madhepura, within a period of four weeks from today in connection with Complaint Case No.C-01 of 2016, and in the event the Court below finds that good conjugal relationship have been restored between husband and wife and wife along with children is living with husband and she does not make any complain about the physical and mental torture committed by the petitioner during the period of her stay with him, the court below will release the petitioner on provisional bail to its own satisfaction for a period of six months 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 or 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, the Court below will confirm the provisional bail of the petitioner after six months.

It is made clear that when the husband will visit the house of wife on 24.04.2017 to take her with him, family members of the wife will give due respect to him and will not



misbehave with him or commit mental and physical torture with him and will allow the wife to go with him. In the event, family member of wife does not allow her to go with the petitioner, the petitioner will surrender in the Court below within the time as ordered above giving justifiable reasons in the lower Court that he has visited the house of his wife, but her family members did not allow her to go with him and in that event also the Court below will enlarge the petitioner on provisional bail as ordered above.

It is made clear that in the event the petitioner does not surrender in the Court below along with wife or does not give satisfactory reply for not taking the wife with him or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner, 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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