

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1411 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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1. Rakesh Tiwary @ Rakesh Kumar Tiwary Son of Sudama Tiwary
Resident of Village-Semua pur, P.S.-Dumariyaghat, District-East
Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Antima Devi Wife of Rakesh Kumar Tiwary, Daughter of Vikarma
Tiwary Resident of Village--Chand Pur, P.O.-Bhawani pur, P>S.-Sangram
Pur District-East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 18-04-2017 Both the husband and the wife are present along with

their respective counsels in court. The wife has appeared with her

two minor children. Both have agreed to live together.

In such circumstances, the petitioner is directed to visit

Mayake of his wife within a period of two weeks from today and

take the wife and both the children with him to keep them with

him with all respect and care and surrender with his wife and both

children in the court below within a period of two weeks from the

date of visiting the Mayake of his wife along with an undertaking

that he will keep the wife and two children with full dignity and

honour and, in that event, he will be enlarged on provisional bail



for a period of six months on its own satisfaction in connection with Dumariyaghat P.S. Case No. 93 of 2016 and the court below will monitor the relationship between the parties by calling both of them in court every month and will try to restore the conjugal relationship between the parties and in the event, the court below succeeds in restoring conjugal relationship between the husband and wife and the wife does not make any complain about physical and mental torture committed by her husband, the court below shall confirm the provisional bail of the petitioner.

It is made clear that in the event the petitioner does not surrender in the court below along with affidavit and his wife and children as ordered above, 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. The wife will also file an undertaking in the court below at the time of surrender of husband that she will live in the Sasural peacefully and will take proper care of her husband and his other family members.

It is also made clear that after restoration of conjugal relationship, both the parties will consider to take steps for final disposal or withdrawal of other cases including the Divorce case



filed by the petitioner in accordance with law. It is also made clear that in the event, the husband comes to the Mayake of his wife to take his wife and children, the family members of informant will behave with him properly with full respect and they will not commit any mental and physical torture with him and they will allow the wife to accompany him.

(Sanjay Priya, J)

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