

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3575 of 2017

Arising Out of PS.Case No. -47 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Belal Mian, son of Shamsuddin Mian, resident of village- Chhapwa
Phulwariya, P.S.- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

1. State of Bihar
2. Khusboo Nisha, daughter of Sarfuddin Mian, resident of village-
Parshumpur, P.S.- Turkauliya, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP
Mr. D. K. Tandon, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 28-02-2017

Heard learned counsel for the Petitioner and the

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

The Petitioner apprehends his arrest in Mahila P.S.
Case No.47 of 2016 instituted for the offence under Section(s)
341, 342, 323, 504, 498-A, 406/34 Indian Penal Code and
Section 34 of the Dowry Prohibition Act.

Both husband and wife are present in Court.

The husband has submitted that he is ready to keep
the wife with all dignity and care.

The wife has also stated that she is ready to live
with petitioner.

Father of informant-Opposite Party No.2, namely,



Sarfuddin Mian is also present in Chambers. He has stated that he will send the informant-Opposite Party No.2 with the petitioner when he visits his house.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Sadar, East Champaran at Motihari, within a period of four weeks from today in connection with Mahila P.S. Case No.47 of 2016, along with the wife-Opposite Party No.2 and Affidavit that he will keep her with all dignity and care and in the event the Court below finds that both are ready to live together, the court below will release the petitioner on provisional bail on 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 relations have been restored between the husband and wife and the wife does not make any complaint 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 relation could not be restored on account of indifferent attitude of wife, 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 the wife and Affidavit, 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 cancelling the provisional bail of the petitioner without taking into consideration the observations made above by this Court.

The application stands disposed off.

(Sanjay Priya, J)

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