

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3097 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -ITADHI District- BUXAR

=====

1. Amrendra Upadhyay, aged about 25 years, son of Yogendra Upadhyay, resident of Village- Salempur, P.S.-Dheena, District- Chadauli, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Kanchan Devi, daughter of late Ram Prawesh Upadhyay, resident of Village- Suburwalia, P.S.- Itarhi, District- Buxar, Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shyam Narayan Pandey, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

=====

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 Itarhi P.S. Case No.70 of 2016 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Both husband and wife are present in Court.

Father of petitioner, namely, Yogendra Upadhyay and the brother of the Opposite Party No.2, namely, Pyare Lal Pandey, are also present in Chambers.

The husband has submitted that he is ready to keep the wife with all dignity and care. The father of the boy also submits that he will keep the informant (daughter-in-law) with



care and dignity.

The wife has also stated that she is ready to live with petitioner. The brother of the girl, who is present, has also stated that he will send the informant-Opposite Party No.2 with the petitioner when he will come to take her with him.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. Additional Chief Judicial Magistrate, II, Buxar, within a period of four weeks from today in connection with Itarhi P.S. Case No.70 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 two months 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.

It is relevant to mention that in the event good conjugal relation is restored between the parties, they will take steps for final disposal of the criminal case and the same will be disposed of by the Court below expeditiously.

The application stands disposed off.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

