

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7051 of 2017

Arising Out of PS.Case No. -1092 Year- 2015 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Pintu Rai @ Shashikant Rai Son of Late Balbhadra Rai Resident of
village - Madhopur, P.S. Siswan, Dist - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Muni Devi @ Manju Devi, W/o - Pintu Rai @ Shashikant Rai, D/o -
Ganesh Upadhyaya, resident of village - Mahammadpur, P.S. - Manjhi,
Dist - Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party No.1: Dr. M. K. Gautam, APP

For the Opposite Party No.2: Mr. Upendra Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 19-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1092 of 2015 instituted for the offence under Section(s)
323, 498-A Indian Penal Code.

It has been submitted on behalf of the petitioner that
he was married with the complainant in the year 1991 and lived
together till 2014. It has further been submitted that the petitioner
got government job in 2001 and thereafter also the complainant
lived with him till 2014.

During hearing of the bail application, the
complainant has appeared in Court in person. She has stated that



she is not living with husband because he has extra marital relationship with another girl, but she could not give any details of the aforesaid girl and could not say whether he has performed second marriage.

On the other hand, counsel for the petitioner has submitted that he is ready to file affidavit that he has not performed second marriage with another girl and has no extra marital relation with any one. He is always ready to keep the complainant with full dignity and care.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Judicial Magistrate, Saran at Chapra, within a period of four weeks from today in connection with Complaint Case No.1092 of 2015, along with Affidavit that he will keep the wife with full dignity and care and he has not performed second marriage with another girl and also has no extra marital relationship with any one and in the event the Court below finds that petitioner is ready to keep the wife with full dignity and care, the court below will release the petitioner on provisional bail to its own satisfaction for a period of nine months and will issue notice to the wife-Opposite Party No.2.

The Court below will verify the contents of the



affidavit through local police as to whether the petitioner has performed any second marriage or the petitioner has extra marital relationship with any one.

In the event the report comes in negative, the Court below on appearance of Opposite Party No.2-complainant 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 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, or the wife does not appear even after service of notice or the wife on her appearance does not want to live with the petitioner for *bonafide* reason, the Court below shall confirm the provisional bail of the petitioner after nine 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 on her appearance 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.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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