

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15763 of 2017

Arising Out of PS.Case No. -400 Year- 2016 Thana -BIHTA District- PATNA

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1. Ratnesh Yadav, son of Ashok Yadav, resident of village- Musepur, P.S.-
Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shobha Devi, W/o Ratnesh Yadav, D/o Lal Babu Yadav, resident of
Village- Musepur, P.S.- Bihta, District- Patna, at present residing at
Village- Pali, P.O.- Pareo, P.S.- Bihta, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP
Mr. Raj Dular Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-06-2017

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 Bihta P.S.

Case No.400 of 2016 instituted for the offence under Section(s)

498-A, 323, 341, 324, 354, 307/34 Indian Penal Code.

Petitioner is husband of the informant-Opposite
Party No.2.

Learned counsel for the Petitioner submits that he is
ready to keep the wife-Opposite Party No.2.

Learned counsel for the Opposite Party No.2
submits that wife is always ready to live with the husband.
Marriage has taken place in 2012 and one child has also born out



of the wedlock, who is at present about two years old.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Additional Chief Judicial Magistrate, Danapur, Patna, within a period of six weeks from today in connection with Bihta P.S. Case No.400 of 2016, along with Affidavit that he will keep the wife with full dignity and care 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 and on appearance of Opposite Party No.2, 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 and 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, the Court below will 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 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.

(Sanjay Priya, J)

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