

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12185 of 2017

Arising Out of PS.Case No. -31 Year- 2016 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Hasm Tullah @ Md. Hasmutullah, son of late Amitullah, resident of
village Laukaha Bazar, P.S. Laukaha, Distt. Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sultana Khatoon, wife of Md. Hasmutallah @ Md. Hasmutallah,
daughter of Md. Nizam, resident of Mohalla Suratganj, Ward No. 17,
P.S. Madhubani Town, Distt. Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint case No.
31 of 2016 instituted for the offence under Sections 323, 379, 307, 504,
498(A) of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act.

Both husband and wife are present in Chamber along with
their respective counsels. The opposite party No. 2 (wife) has appeared
along with her brother.

Petitioner has stated that he will keep his wife with full
dignity and care. He will not misbehave with her.

The opposite party No. 2 (wife) has stated that she wants
to go with her husband (petitioner) from her *Maikey* itself. In such
situation, the petitioner is directed to visit the *Maikey* of his wife within



a period of four weeks to take her wife to his house.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, Madhubani, within a period of four weeks from today in connection with Complaint Case No.31 of 2016, Tr. No. 2504 of 2016 along with wife and Affidavit that he will keep the wife with full dignity and care and in the event the petitioner surrenders without his wife and satisfies the Court below that in spite of his visits to sasural and persuasion, Opposite Party No.2 has not come along with him in the Court, 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 has 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, 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 along with his wife and Affidavit, as ordered above, in the



court below within four weeks or the wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner without any *bona fide* reason, 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 brother of the opposite party No. 2 is directed that when the petitioner (husband) will go to take her wife to his house, they will not misbehave with him and will take proper care of him and will allow the wife to go with him.

The application is, accordingly, disposed off.

S.Ali/-

(Sanjay Priya, J)

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