

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11434 of 2017

Arising Out of PS.Case No. -86 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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1. Premnath Tiwary, S/o late Ramnath Tiwary, resident of Village - Matuk Chhapra, P.S. - Pachrukhi (Sarai O.P.), District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tripti Tiwary, D/o- Chandrabhan Pandey, resident of Village - Chamukha, P.S. - Lar, District - Dewaria (U.P.).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 25-05-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Siwan Mahila P.S. Case No.86 of 2016 instituted for the offence under Section(s) 341, 323, 498-A, 406, 494 Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Notice was issued to the Opposite Party No.2, which has validly been served. It is mentioned in the order dated 15.05.2017 that registered notice has been received by the Opposite Party No.2 herself, but today neither Opposite Party No.2 has appeared nor any vakalatnama has been filed.

It has been submitted on behalf of the petitioner that he is ready to keep the wife with full dignity and care. He has



also filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Siwan, within a period of six weeks from today in connection with Siwan Mahila P.S. Case No.86 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 and the Court below is satisfied by such statement 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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