

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7333 of 2017

Arising Out of PS.Case No. -1002 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA
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Subodh Kumar Singh @ Subodh Singh, son of Chandeshwar Singh,
resident of village- Sakraudha, P.S.-Nalanda, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Pinki Devi, w/o Subodh Singh, D/o Shaligram Singh, resident of
village-Khiriyawan, P.S.- Wazirganj, District-Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 12-05-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1002 of 2015 instituted for the offence under Section(s)
498-A Indian Penal Code.

It has been submitted on behalf of the petitioner that
he is ready to keep the wife but the wife does not want to live
with him.

Notice was issued to the Opposite Party No.2,
which has validly been served, but neither Opposite Party No.2
has appeared nor has any vakalatnama been filed on her behalf.

In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court



below i.e. Chief Judicial Magistrate, Gaya,, within a period of four weeks from today in connection with Complaint Case No.1002 of 2015, 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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