

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4422 of 2017

Arising Out of Complaint Case No. -2519 Year- 2014 Thana -BHAGALPUR COMPLAINT CASE
District- BHAGALPUR

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Kapil Singh @ Chandrakant Singh, S/o Bhajram Singh, Resident of Ambai Shalepur, P.S.-Habibpur, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi, W/o Kapil Singh @ Chandrakant Singh, D/o Late Dilip Singh, Resident of Mohalla- Kutubganj, P.S.-Babarganj (Mojahidpur), District-Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate.

For the Opposite Party/s : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 2519 of 2014 instituted for the offence under Sections 341, 323, 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that the petitioner is ready to keep the wife.

From the impugned order also it appears that the petitioner is ready to keep his wife. The matter was referred to the conciliation centre for counseling by the court below but reconciliation has failed.



By order of this Court dated 14.2.2017, notices were sent to the opposite party No. 2 who has appeared through her lawyer.

Today, during course of hearing of the bail petition, none has appeared on behalf of the opposite party No. 2.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, Bhagalpur, within a period of four weeks from today in connection with Complaint Case No. 2519 of 2014, along with Affidavit that he will keep the wife with full dignity and care and in that event the Court below will release the petitioner on provisional bail to its own satisfaction for a period of six months and will issue notice to the wife (opposite party No. 2) and will monitor the relationship between the parties by calling both of them every two months in the court and in the event the court below finds that good conjugal relationship has 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 shall confirm the



provisional bail of the petitioner after six months.

It is made clear that in the event the petitioner does not surrender in the court below along with an Affidavit, as ordered above, or the petitioner refuses to keep the wife on her appearance in court or wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner, 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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