

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16915 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -MAHILA P.S. District- LAKHISARAI

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1. Diwakar Sharma, S/o Late Harinandan Sharma, resident of Jakkanpur,
P.S.-Surajgarha, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari, d/o Sahdeo Prasad Verma, resident of Barahiya, Ward
No.19, P.S.-Barahiya, District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
Mr. Om Prakash Maharaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 24-08-2017

Heard learned counsel for the Petitioner and the
learned APP for State as well as counsel for the Opposite Party
No.2.

Petitioner apprehends his arrest in Lakhisarai Mahila
P.S. Case No.02 of 2017 instituted for the offence under
Section(s) 498-A/34 Indian Penal Code and Section 3 of the
Dowry Prohibition Act.

Both husband and wife are present in Chambers.
Brother of the wife is also present.

Husband has stated that he is ready to keep the wife
with full dignity. Wife has, however, stated that she has been
tortured by her husband and she does not want to live with him.
Brother of the Opposite Party No.2-wife has also stated that she



does not want to live with the petitioner.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Lakhisarai, within a period of four weeks from today in connection with Lakhisarai Mahila P.S. Case No.02 of 2017, 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 on appearance of Opposite Party No.2, will try to reconcile the matter and in the event Opposite Party No.2 becomes ready to live with the petitioner, the Court below 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 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 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 with 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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