

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12199 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -NARAINPUR District- BHOJPUR

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Md. Virahim, son of Md. Yunush Miya, resident of village- Ahily, P.S.-
Narayanpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Afsana Khatoon, wife of Md. Virahim, daughter of Jakir Hussain,
resident of village- Ahily, P.S.-Narayanpur, District- Bhojpur, at
present resident of village-Budhi Jethwar, P.S.-Tarari, District-
Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -2, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 10-07-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Narayanpur
P.S. Case No.40 of 2016 instituted for the offence under
Section(s) 323, 379, 498-A Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

Counsel for the petitioner has submitted that being
husband he is always ready to keep the wife, but the wife does
not want to live with her. She merely wants to harass him.

None has appeared on behalf of the Opposite Party
No.2. Notice was issued to the wife-Opposite Party No.2. Service
report of notice issued under ordinary process has been received



with endorsement that she refused to put her signature on the notice after receiving the same.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Additional Chief Judicial Magistrate, XIII, Bhojpur at Ara, within a period of four weeks from today in connection with Narayanpur P.S. Case No.40 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 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 if 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 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 will 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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