

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13975 of 2017

Arising Out of PS.Case No. -1256 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ram Nath Kumar, Son of Chandeshwar Rai, Resident of Village- Maner
Tola, P.S.- Maner, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Devi, W/o- Ramnath Kumar, D/o- Tejan Rai, Resident of
Village- Sherpur Baghi, P.S. Maner, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case
No. 1256(C) of 2014 instituted for the offence under Sections 498A
and 323 of the Indian Penal Code.

It has been submitted that petitioner is husband of the
informant. Petitioner is always ready to keep the opposite party No. 2
(wife) and his daughter with full dignity and care. He had appeared in
the court below and has made similar submission which is mentioned
in the impugned order but the opposite party No. 2 (wife) did not
become ready to go with the petitioner (husband).

In the instant case notice has been validly served on the
opposite party No. 2 but neither the opposite party No. 2 (wife) herself
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. Sri R.N. Singh, learned Judicial Magistrate, Danapur, Patna, or his successor, within a period of four weeks from today in connection with Complaint Case No. 1256(C) of 2014 along with Affidavit that he will keep the wife and his daughter 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 (wife), she becomes ready to go with the petitioner (husband), 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 or 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 along with Affidavit, as ordered above, in the court below within four weeks or the wife during the period of monitoring makes complain about physical and mental torture committed by the



petitioner without any valid reason, 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.

The application is, accordingly, disposed off.

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(Sanjay Priya, J)

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