

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12176 of 2017

Arising Out of PS.Case No. -87 Year- 2016 Thana -MAHILA PS District- GAYA

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1. Rakesh Kumar, Son of Shankar Pd @ Shankar Pd Kasera, Resident of Mohalla- Ramna, P.S. Civil Line, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahtab Alam

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mahila P.S. Case No. 87 of 2016 initiated for the offence under Section-498A, 323, 504/34 of the Indian Penal Code and 3/4 of Dowry Prohibition Act.

In spite of valid service of notice, opposite party No. 2 did not appear.

The petitioner is husband of the informant. The petitioner is ready to keep his wife. Counsel for opposite party No. 2 appeared. He has submitted that the wife is also ready to live with the husband. She is at present living at her Mayake.

The petitioner is directed to visit his Sasural and bring



his wife with him.

In such circumstances, this application is disposed of with direction to petitioner to surrender before the court below i.e. learned Sub Divisional Judicial Magistrate, Gaya along with wife after fixing the date by mutual talk between the parties within four weeks, and file affidavit in the lower court that he will keep his wife with full dignity and care and wife will also file an affidavit that she will live with the petitioner properly and in the event, the court below finds that petitioner is ready to keep the wife with full honour and dignity, the court below will release the petitioner on provisional anticipatory bail in Mahila P.S. Case No. 87 of 2016 to its own satisfaction for a period of nine months 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 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 nine months.



It is made clear that in the event the petitioner does not surrender in the court below along with his wife and 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 in court, 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.

(Sanjay Priya, J)

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