

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9542 of 2017

Arising Out of PS.Case No. -465 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Dina Nath Mandal, son of Dashrath Mandal, Resident of Mohalla- Purani Sahebganj, Nayatola, Police Station- Sahebganj, District- Sahebganj (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi, wife of Dina Nath Mandal, daughter of Ganesh Mandal, Resident of Village- Tirbitta, Post- Mahuwar, Police Station- Manihari, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 4 03-05-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Complaint Case No. 465 of 2014 instituted for the offence under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.
- Petitioner is husband of the complainant. Notice was issued which was validly served to the complainant (opposite party No. 2).
- Today, none has appeared on behalf of the counsel for the opposite party No. 2.
- Petitioner has submitted that he is ready to keep the



complaint (opposite party No. 2) with all dignity and care.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, Katihar, within a period of four weeks from today in connection with Complaint Case No.465 of 2014, along with Affidavit that he will keep the wife with full dignity and care. In the event the Court below finds that petitioner is ready to keep his 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 complainant (wife) and on appearance of wife will monitor the relationship between the parties by calling both of them every months in the court below 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 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 valid 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 the petitioner refuses to keep the wife on her appearance



in court below 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.

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(Sanjay Priya, J)

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