

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7386 of 2017

Arising Out of PS.Case No. -162 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. RAJOO RAJ @ RAJU KUMAR, son of Rameshwar Sah, resident of
Village- Bhelwa, P.S.- Chhauradano, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kabita Kumari, W/o Raju Raj, D/o Birendra Prasad, at present resident of
Mohalla- Miscott, P.S.- Motihari, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 27-04-2017

The husband and wife are present in Chambers today.

The petitioner apprehends his arrest in connection with
Complaint Case No. 162 of 2016 registered under Sections-120B,
109, 341, 323, 406, 498A, 504, 509, 354 of the Indian Penal Code
and ¾ of Dowry Prohibition Act.

The petitioner (husband) wants to keep with him.

It has been submitted on behalf of the petitioner that he
has filed a petition u/S 9 of Hindu Marriage Act before the Family
Court, Motihari. The wife has stated that she has been tortured by
her husband and she does not want to go with the petitioner. The
brother of the wife is also present. He also stated that her sister
(complainant) has been tortured by her husband.



From the complaint, it appears that marriage has been performed between the petitioner and the complainant on 12-12-2015. It has also been submitted that one daughter has also born from the complainant after the marriage.

The husband is ready to abide by any condition given by the court to keep the wife but the wife is not ready to live 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, Raxaul, Motihari, East Champaran within a period of four weeks from today in connection with Complaint Case No. 162 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 honour and dignity, the court below will release the petitioner on provisional anticipatory bail on 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 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 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.

(Sanjay Priya, J)

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