

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9550 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Biranjan Das Son of Prabhu Das Resident of Village- Ibrahim Pur, Police Station- Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sharda Devi Daughter of Sudama Das Resident of Village- Siswa Chaubey tola, Police Station- Paharpur, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 25-04-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Paharpur P.S.
Case No. 215 of 2016 initiated for the offence under Section-498A
of the Indian Penal Code.

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

The petitioner is husband. The notice was issued to
opposite party No. 2 which has validly been served but none
appeared on behalf of opposite party No. 2.

The petitioner is husband of the informant.

It has been mentioned in paragraphs-10 & 12 of the
petition that the petitioner is ready to keep the informant (his wife)



with full honour and care. It is submitted that the husband has filed a case in Family Court, Motihari, East Champaran i.e. Matrimonial Case No. 314 of 2014 for restitution of conjugal life.

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, Sadar, Motihari, East Champaran within a period of four weeks from today in connection with Paharpur P.S. Case No. 215 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 care, 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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