

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9607 of 2017

Arising Out of PS.Case No. -1237 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Raja Thakur, S/o Shivnarain Thakur, resident of village- Dih Sarauna,
P.S.- Bangra, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gudiya Devi, W/o Raja Thakur, resident of village- Dih Sarsauna, P.S.-
Bangra, District- Samastipur, at present D/o Umesh Thakur, resident of
village- Namaour, P.S.- Chakmahesi, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party No.1: Smt. Gulnar Begam, APP

For the Opposite Party No.2: Mr. Ranjan Kumar, Advocate

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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 as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.1237 of 2015/T.R. No.3520 of 2016 instituted for the
offence under Section(s) 379, 498-A Indian Penal Code.

Petitioner is husband of the complainant.

It has been submitted by the petitioner that he is
ready to execute the bond for keeping the wife with full dignity
and care.

Wife has stated that petitioner has sold her gold
ornaments and committed physical and mental torture with her.

In such circumstances, this application is disposed



off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Samastipur, within a period of four weeks from today in connection with Complaint Case No.1237 of 2015/ T.R. No.3520 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 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 the wife-Opposite Party No.2 and in the event the Opposite Party No.2 on her appearance becomes ready to live with the petitioner, 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 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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