

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11606 of 2017

Arising Out of PS.Case No. -746C Year- 2016 Thana -WEST CHAMPARAN COMPLAINT
District- WEST CHAMPARAN (BETTIAH)

=====

Md. Javed Akhtar @ Bablu, Son of Anwar Karim, Resident of Village -
Pipra Chanki, P.S. - Shikarpur, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Alia Khatoon @ Gudiya, wife of Md. Javed Akhtar @ Bablu, Daughter of Mir Hasan Khan, resident of village - Pipra Chanki, P.S. - Shikarpur, District - West Champaran. at present - r/o village - Sathi Nawka Tola, P.S. - Sathi, District - West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 05-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in S.C. Case No.

1086 of 2016 arising out of Complaint Case No. 746C of 2016
instituted for the offence under Section 498A of the Indian Penal
Code and Section 4 of Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that
he is always ready to keep the wife with him with full dignity and
care.

From the complaint petition it appears that the
marriage has taken place on 24.3.2012.

Learned counsel for the opposite party No. 2 has



submitted that complainant (wife) will live with the petitioner if the petitioner behaves with her properly and keep her with full honour and dignity.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, Bettiah, West Champaran, within a period of six weeks from today in connection with S.C. No. 1086 of 2016 arising out of Complaint Case No.746 of 2016, 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 nine months and will issue notice to complainant (wife) and on appearance of wife, will monitor the relationship between husband and wife by calling both of them every month in the court below and in the event the court below finds that good conjugal relationship has been restored between husband and wife or 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 nine 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.

This application is, accordingly, disposed off.

S.Ali/-

(Sanjay Priya, J)

U		T	
---	--	---	--

