

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12240 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Santosh Yadav @ Santosh Kumar Yadav, son of late Ballabh Yadav,
resident of village - Samas Balwapar, P.S. - Barbiga, Dist - Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Lakho Devi, D/o Brijnandan Yadav, resident of village - Makhdumpur,
P.S. - Rahui, Dist - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-05-2017 The petitioner apprehends his arrest in (Nalanda) Mahila
P.S. Case No. 78 of 2016 instituted for the offence under Sections
498A and 467/34 of the Indian Penal Code.

The husband and wife both are present in Chamber along
with 8 years minor daughter. The counsels for the petitioner and
opposite party No. 2 are also present.

The opposite party No. 2 (wife) has stated that petitioner
(husband) is not maintaining her and her minor daughter.

The petitioner (husband) has stated that he is always ready
to maintain both of them. He has further stated that he will keep his
wife along with his minor daughter with full dignity and care.

In such circumstances, this application is disposed off
with direction to petitioner to surrender before the Court below i.e.



Chief Judicial Magistrate, Nalanda, within a period of four weeks from today in connection with (Nalanda) Mahila P.S. Case No. 78 of 2016 along with Affidavit that he will keep the wife and daughter with full dignity and care and in that event, 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 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 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 will confirm the provisional bail of the petitioner after six months.

It is made clear that in the event the petitioner does not surrender along with Affidavit, as ordered above, in the court below within four weeks or the wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner or the opposite party No. 2 (wife) appears in the court below after issuance of notice, but husband refuses to take her along with his minor daughter 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.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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