

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1396 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -SRI NAGAR District- MADHEPURA

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1. Md. Ahtasham Alam, S/o Md. Sharifuddin, resident of village-Rahta,
P.S.-Uda-Kishunganj, District-Madhepura

.... Petitioner/s

Versus

1. The State of Bihar,
2. Nikahat Pravin, D/o Shuav Alam, at present residing at Puraini P.S.-Sri
Nagar District-Madhepura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Smt. Sucheta Yadav, APP
Mr. Anamul Haque, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 29-06-2017

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 Shree Nagar
P.S. Case No.66 of 2016 instituted for the offence under
Section(s) 341, 323, 498-A Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

This matter was sent to the Mediation Centre.
Report of the Mediator has been received that mediation has
failed.

Today, both husband and wife are present in
Chambers. Husband has stated that he is ready to keep the wife,
but the wife has stated that it will not be possible for her to live
with him since he has 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. ACJM, II, Madhepura, within a period of six weeks from today in connection with Shree Nagar P.S. Case No.66 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 on appearance of Opposite Party No.2, if she becomes ready to go to her *Sasural*, 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 has 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 will 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 and the Court below is satisfied by such statement 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.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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