

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15761 of 2017

Arising Out of PS.Case No. -2264 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Krishna Sharma, son of Nagina Sharma, resident of village- Siswa
Basantpur, P.S.- Choutarawa, District- West Chamapran.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Asha Kumari Sharma, daughter of late Rajendra Sharma, wife of
Krishna Sharma, at present resident of village-Majhauriya, P.S.-
Majhauriya, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP
Mr. Umesh Chandra Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 30-06-2017

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 Complaint
Case No.2264 of 2014 (Special Case No.1042 of 2016) instituted
for the offence under Section(s) 498-A Indian Penal Code and
Section 4 of the Dowry Prohibition Act.

Petitioner is husband of the complainant-Opposite
Party No.2.

Counsel for the petitioner submits that he is ready to
keep the wife with full dignity and care.

Counsel for the Opposite Party No.2 submits that
she is also ready to live with the petitioner.



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 Complaint Case No.2264 of 2014 (Special Case No.1042 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, will try to reconcile the matter and if Opposite Party No.2 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 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 with 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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