

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19026 of 2017**

Arising Out of PS.Case No. -1 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

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Vikash Kumar Rai, S/o -Praduman Rai, Resident of Village-Titira, P.S.-  
Mairwa, District-Siwan

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Rajni Kumari, d/o late Chandrika Rai, Resident of Village-Sher, P.S.-  
Sidhwalia, District-Gopalganj.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Smt. Anita Kumari Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

- 3      01-07-2017                      Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Sidhwalia P.S.
- Case No. 1 of 2017 instituted for the offence under Section 498A  
of the Indian Penal Code and Sections 3/4 of Dowry Prohibition  
Act.
- Petitioner is husband of the informant (opposite party  
No. 2). He has also filed a petition under Section 9 of the Hindu  
Marriage Act for restitution of conjugal rights, before the  
Principal Judge, Family Court, Gopalganj, vide Matrimonial case  
No. 100 of 2016 dated 27.4.2016.
- Counsel for the petitioner has submitted that he is  
ready to keep the informant (opposite party No. 2) with all dignity



and care.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Additional Chief Judicial Magistrate-VIII, Gopalganj, within a period of four weeks from today in connection with Sidhwalia P.S. Case No. 1 of 2017, 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 six months and will issue notice to informant (wife) and on appearance of wife, will monitor the relationship between the parties by calling both of them every months in the court below 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 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 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 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.

Application is disposed off with aforesaid observations.

S.Ali/-

**(Sanjay Priya, J)**

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