

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32498 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Isteyaque Khan Son of Md. Sahid Khan, Resident of Village- Paidal
Patti, P.S.- Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-07-2017

The husband and wife are present in Chambers today.

The petitioner apprehends his arrest in connection with
Harsidhi P.S. Case No. 62 of 2017 registered under Sections-
498A, 323, 504/34 of the Indian Penal Code.

The petitioner is husband of the informant and he is
ready to keep the his wife (informant) with him with full dignity
and care.

In such circumstances, this application is disposed of
with direction to petitioner to surrender before the court below i.e.
learned Chief Judicial Magistrate, Motihari, East Champaran
within a period of four weeks from today in connection with
Harsidhi P.S. Case No. 62 of 2017 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 honour and dignity, the court below will release the petitioner on provisional anticipatory bail on 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 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 shall 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 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.

(Sanjay Priya, J)

A.K.V./-

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