

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31610 of 2017

Arising Out of PS.Case No. -1736 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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1. Dipo Yadav, son of Mahesh Yadav, resident of Village- Kenduyar, P.S.-
Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Savitri Devi, W/o Dipo Yadav, resident of village- Kenduyar, P.S.-
Amarpur, District- Banka, at present D/o Ram Bilash Yadav, resident of
Village- Dhannichak, P.S.- Amarpur, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 05-09-2017

Heard learned counsel for the petitioner and learned

APP for the State.

In spite of issuance of notice and its valid service,
Opposite Party No.2 has not appeared.

Petitioner apprehends his arrest in Complaint Case
No.1736 of 2015 instituted for the offence under Section(s) 498-
A, 323 Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

Petitioner is husband of the Opposite Party No.2. It
has been submitted that he is ready to keep the wife-Opposite
Party No.2 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. **Sub-Divisional Judicial Magistrate, Banka**, within a period of four weeks from today in connection with **Complaint Case No.1736 of 2015**, 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 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 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.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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