

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41878 of 2017

Arising Out of PS.Case No. -1496 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Md. Sahalam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 1496 of 2012 instituted for the offence under Section-498A of the Indian Penal Code and Sections 4 of the Dowry Prohibition Act.

It has been mentioned at para-6 of the petition that the petitioner is ready to keep his wife with full dignity and honour. The learned Sessions Judge in the impugned order has mentioned that there is no chance of reconciliation in between the parties because the complainant (opposite party No. 2) appears to be very reluctant and she flatly refused to go to her matrimonial house although the petitioner is ready to keep her.

In such, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub



Divisional Judicial Magistrate, Bhagalpur, within a period of four weeks from today in connection with Complaint Case No. 1496 of 2012, along with Affidavit that he will keep the wife with full dignity and care. In the event the Court below finds that petitioner is willing 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 complainant (wife) 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 valid 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 the petitioner refuses to keep the wife on her appearance in court 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.

(Sanjay Priya, J)

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