

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24825 of 2017

Arising Out of PS.Case No. -409 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Vijay Ram, son of Bhajan Ram, resident of village, Rustampur, Dahu Tola,
P.S.-Raghopur, District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar &
2. Kavita Devi, wife of Shri Viay Ram, resident of village, Rustampur,
Dahu Tola, P.S.-Raghopur, District-Vaishali, at present, father's name-
Shrawan Ravidas, resident of village & Post-Fulelpur, P.S.-
Athamalgaola, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal, APP

Mr. Rao Kundan Kumar Karmvir, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 29-08-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in Complaint Case
No.409-C of 2015 instituted for the offence under Section(s) 323,
341, 342, 406, 498-A Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

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

Counsel for the Opposite Party No.2 submits that the
wife is also ready to live with husband provided he gives an
Affidavit in this regard that he will keep her 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, Barh, Patna, within a period of four weeks from today in connection with Complaint Case No.409-C of 2015, along with Affidavit that he will keep the wife and children with full dignity and care and in that event, 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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