

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32655 of 2017

Arising Out of PS.Case No. -1100 Year- 2015 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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1. Subhash Kumar Rakesh, S/o Vishwanath Ram, resident of village-
Haraily, P.S.- Udakishunganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Raj Lakshami Kumari, w/o Subhash Kumar Rakesh, d/o Tribhuvan
Ravidas, resident of Village - Dhobayee, P.S.- Tarapur, District-
Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP
Mr. Kamal Kishore Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 11-09-2017

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.1100-C of 2015 instituted for the offence under Section(s)
498-A Indian Penal Code and Section 34 of the Dowry
Prohibition Act.

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

Counsel for the Opposite Party No.2-wife submits
that she is also ready to live with the petitioner provided he keeps
her properly.



In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Sub-Divisional Judicial Magistrate, Munger**, within a period of four weeks from today in connection with **Complaint Case No.1100-C of 2015**, along with Affidavit that he will keep the wife and all the children with full dignity and care and will not commit physical and mental torture with them (wife and children) and in that event the Court below will release the petitioner on provisional bail to its own satisfaction for a period of nine months and will issue notice to the wife-Opposite Party No.2 and in the event the Opposite Party No.2 becomes ready to go and live with the petitioner, the Court below 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 nine 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 to which the Court below is satisfied 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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