

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47706 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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Ekramul Dewan, Son of Saifullah Dewan, Resident of Village- Chiraiya Bazar, Police Station- Chiraiya, P.O.- Chiraiya, Distt.- East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Ruksana Khatoon, Wife of Ekramul Dewan and Daughter of Nasrul Dewan, At present resides at village- Rampur, Mediyahi, Police Station- Cjiraiya, District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Md. Qumrul Hoda, Advocate
Md. Parwez Ali, Advocate
For the Opposite Parties : Mr. Murlidhar (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 20-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Chiraiya P.S. Case No. 36 of 2016 arising out of Complaint Case No. 833 of 2015 instituted for the offence under Sections 498-A, 323, 379, 492 and 504/34 of the Indian Penal Code.

Both husband and wife are present in the chamber.

It is admitted position that petitioner has performed second marriage. He has submitted that he will keep the wife (informant) with her minor daughter will full care and dignity. The informant has agreed on such assurance of the petitioner. She has



complained that earlier also he has taken her but committed physical and mental torture with her.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below (ACJM, Dhaka, East Champaran, Motihari), along with wife within a period of six weeks from today in connection with Chiraiya P.S. Case No.36 of 2016 arising out of Complaint Case No.833 of 2015, and make prayer for regular bail with an affidavit that he will keep the informant-wife with minor child with full care and dignity and in the event the Court below is satisfied that the petitioner will keep the wife with care and dignity and will not harass her mentally or physically, the court below will release the petitioner on provisional bail to his own satisfaction for a period of six months and make effort to reconcile the matter between the parties and in the event the court below is satisfied that good conjugal relationship has been restored or the same could not be restored on account of indifferent attitude of wife, the court below will 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 within as ordered above or the wife during the period of monitoring complains about the physical and mental torture committed by the petitioner with her



and her minor child, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail granted to the petitioner without taking into consideration the observations made above.

The application stands disposed off.

(Sanjay Priya, J.)

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