

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41769 of 2017

Arising Out of PS.Case No. -2739 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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Md. Reyaz Khan, Son of Md. Basir Khan, R/o Village- Kotwa, P.S.-
Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Salmun Nesha, W/o Reyaz Khan and D/o Jaharuddin Khan, R/o
Village- Kotwa, P.S.- Paharpur, District- East Champaran, At present
Village- Dabariya Bakunthwa, P.S.- Nautan, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-09-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 2739(C) of 2015, S.C. No. 1120 of 2017 instituted for
the offence under Sections 498(A) and 323 of the Indian Penal
Code.

It has been submitted on behalf of the petitioner that
the petitioner is husband of the complainant and he is ready to
keep his wife with full honour and dignity. He filed a petition
before the Principal Judge, Family Court, Motihari, East
Champaran, for restitution of conjugal rights.

Accordingly, this application is disposed off with



direction to petitioner to surrender before the Court below i.e. learned Chief Judicial Magistrate, Bettiah, West Champaran, within a period of four weeks from today in connection with Complaint Case No. 2739(C) of 2015, S.C. No. 1120 of 2017, along with Affidavit that he will keep the wife with full dignity and care. In the event the Court below finds that petitioner is ready 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 informant (wife) and on appearance of wife if she becomes ready to go with her husband, the court below will monitor the relationship between the parties by calling both of them every months in the court below and in the event the court below finds that good conjugal relationship has been restored between husband and wife and wife does not make any complain about 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 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 along with Affidavit, as ordered above, or the petitioner refuses to keep the wife on her appearance in court below 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.

Application is accordingly disposed off with aforesaid observations.

(Sanjay Priya, J)

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