

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7906 of 2017

Arising Out of PS.Case No. -242 Year- 2015 Thana -BHAGWAN BAZAR District- SARAN

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1. Sushil Kumar, son of Mukti Nath Sah, resident of Bagh Gari, Deepa Tola, Ranchi, P.S. Sadar, District - Ranchi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Beauty Kumari, wife of Sushil Kumar and daughter of Anant Kumar Soni, at present resident of Ahilya Market, Gudri Bazar, P.S. - Bhagwan Bazar, District - Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

Mr. Satya Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 08-08-2017

The petitioner has paid cost of rupees one thousand to the Opposite Party No.2 in terms of the order dated 27.07.2017.

Heard learned counsel for the Petitioner and the State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Bhagwan Bazar P.S. Case No.242 of 2015 instituted for the offence under Section(s) 379, 498-A Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Petitioner is husband of the complainant-Opposite Party No.2.

Both husband and wife have appeared today in



Chambers. Father of the wife has also appeared.

Wife has stated that she is ready to live with her husband provided he makes his establishment at place other than Ranchi. Father of the wife has also stated that the girl is ready to live with husband provided he keeps her at any place outside Ranchi.

Husband has stated that he will shift his establishment to Jamshedpur within a period of two months and will keep the wife and minor child with him at Jamshedpur to which wife and her father have agreed.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Saran at Chapra, within a period of four weeks from today in connection with Bhagwan Bazar P.S. Case No.242 of 2015, along with Affidavit and undertaking that he will make arrangement to keep the wife and minor child at Jamshedpur within a period of two months from the date of his release and will take his wife and minor child with him to keep them with him with full dignity 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 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 has 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, the Court below will 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 and undertaking, as ordered above, or the petitioner fails to take the wife and minor child with him within a period of two months from the date of his release for keeping them with him at Jamshedpur, 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, 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.

It is further made clear that husband-petitioner will be at liberty to take the wife with him if he shifts his



establishment at Jamshedpur earlier than the period of two months
and the wife will accompany him to live together.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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