

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46225 of 2017

Arising Out of PS.Case No. -265 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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Dharmendra Singh @ Dharmendra Kumar Singh, S/o Panchanand Singh,
r/v Karisath, P.S.- Udwant Nagar, District-Bhojpur.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 15-11-2017 Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the Opposite Party No. 3.

The petitioner apprehends his arrest in Bhojpur
Mahila P.S. Case No. 265/2016 instituted for the offence under
Section(s) 498(A)/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
he is ready to keep his wife (opposite party no. 3) with full dignity
and care.

Learned counsel for Opposite Party No. 3 appeared
and submitted that he has been instructed that Opposite Party No.
3 is ready to live with the petitioner.

In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court
below i.e. **Sub-Divisional Judicial Magistrate, Ara, Bhojpur,**



within a period of four weeks from today in connection with **Mahila P.S. Case No. 265 of 2016**, along with Affidavit that he will keep the wife 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 nine months and will issue notice to the wife-Opposite Party No.3 and in the event the Opposite Party No.3 appears and became 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 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, 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, although the wife is ready to go with the husband, 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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