

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12200 of 2017

Arising Out of PS.Case No. -1594 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Awdhesh Yadav @ Abdhesh Yadav, son of late Khushi Lal Yadav, resident
of village Naulakhi Milik Tola, Besad, P.S. Janki Nagar, Distt. Purnea.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 03-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 1594 of 2015 instituted for the offence under Sections
323, 498A of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act.

Petitioner is husband of the complainant.

Notices were issued to the opposite party No. 2 twice,
but the same has been returned unserved with endorsement of the
postal peon that Addressee does not reside in the village.

The petitioner has specifically submitted in paragraph
14 of the bail petition that he is always ready to maintain his wife
(complainant) as per his earning capacity.

Learned counsel for the petitioner has submitted that
the complainant does not want to live with the petitioner and she



voluntarily left the house of the petitioner.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. learned Sub Divisional Judicial Magistrate, Purnea, within a period of six weeks from today in connection with Complaint Case No.1594 of 2015 with Affidavit that he is ready to keep the wife and minor child 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 six months and will issue notice to the wife-Opposite Party No.2 and on appearance of Opposite Party No.2, the court below will try to reconcile the matter between the spouses and 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 month in the Court and in the event the Court below finds that good conjugal relationship have been restored between husband and wife or 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 will confirm the provisional bail of the petitioner after six months.

It is made clear that if the wife (complainant) becomes ready to go with the petitioner (husband), but he is not ready to take her or the wife during the period of monitoring makes complain about



physical and mental torture committed by the petitioner without any *bona fide* reason, 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.

The application is, accordingly, disposed off.

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(Sanjay Priya, J)

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