

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41065 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -KOILWAR District- BHOJPUR

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Kunal Krishna, Son of Rajendra Prasad Singh, R/o Village- Nagraon, P.S.-
Charpokhari, At Present Gas Agency Road, Pakri, P.S.- Arrah Nawada ,
District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Koilwar P.S.

Case No. 105 of 2017 instituted for the offence under Section
498(A) of the Indian Penal Code and Sections 3/4 of Dowry
Prohibition Act.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep his wife with full honour and
dignity.

The counsel for the opposite party No. 2 has appeared
and submitted that opposite party No. 2 (wife) is also ready to live
with her husband.

Accordingly, this application is disposed off with
direction to petitioner to surrender before the Court below i.e.



Chief Judicial Magistrate, Bhojpur at Arrah, within a period of four weeks from today in connection with Koilwar P.S. Case No. 105 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 nine 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 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 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 disposed off with aforesaid observations.

S.Ali/-

(Sanjay Priya, J)

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