

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54565 of 2016

Arising Out of PS.Case No. -1459 Year- 2014 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

Narayan Sahni, S/o Rudal Sahni, Resident of Village- Nima, P.S.-
Sakari, District- Madhubani.

... Petitioner/s

Versus

1. The State of Bihar.
2. Bibha Devi, W/o Narayan Sahni, D/o Jagdish Sahni, Resident of
Village- Godhaila, P.S.- Bishanpur, District- Darbhanga.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-03-2017 Heard learned counsel for the petitioner and the State.

The petitioner who is husband of the complainant seeks anticipatory bail in C.R. No. 1459 of 2014 instituted for the offence under section 498A of the Indian Penal Code and Section 3/4 of the D.P. Act.

It has been submitted that petitioner is ready to keep the complainant with full dignity and honour.

Notice was issued to the O.P. No.2 which is validly served but nobody was appeared on behalf of O.P. No.2

In such circumstances, the petitioner is directed to surrender before the court below within a period of four weeks from today and pray for regular bail along with an affidavit in connection with C.R. Case No. 1459 of 2014 that he will keep his wife and child with full honour and care and in that event, the court below will enlarge the petitioner on provisional bail for a



period of six months and issue notice to the opposite party no.2 (wife) and try to restore conjugal relationship between the husband and wife by calling them in court. If the court below succeeds in restoring conjugal relationship between husband and wife or the conjugal rights could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner will be confirmed.

It is made clear that in the event the court below receives complaint from the wife against the husband of committing mental and physical torture with her during period of monitoring or the court finds that the husband is not keeping her properly or after appearance in the court, the wife is ready to go with her husband, but the husband is not ready to take the wife, the court below will be at liberty to pass appropriate order in accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner, without taking into consideration the aforesaid observation of this Court.

With aforesaid observations, this application is disposed off.

Ravi/-

(Sanjay Priya, J)

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