

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47789 of 2016

Arising Out of PS.Case No. -1360 Year- 2014 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

=====

1. Suman Kumar Singh, son of late Nagendra Singh, resident of village-
Jogiyara, Police Station- Jale, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari @ Soni Devi, wife of Suman Kumar Singh, daughter of
Amarendra Singh, presently residing with her father at village-
Pokharsam, P.S. Saharghat, District Madhubani.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 17-01-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in G.R.
No.1360 of 2014 instituted for the offence under Section(s) 498-
A Indian Penal Code.

The husband (petitioner) and the wife (Opposite
Party No.2) along with his son, Aditya, aged about eight years are
present in the Court.

The wife is living separately since last 7-8 years.
The father of the Opposite Party No.2 is also present. He has
stated that she is living with her uncle.

The Court enquired from both the parties whether
they are ready to live with each other. The husband submits that



he is ready to keep his wife and son, who are present in the Court, but the wife does not give definite reply as to whether she is ready to live with the husband or not.

Since the husband is ready to keep his wife and son, this application is disposed off with direction to the petitioner to surrender before the Court below (Judicial Magistrate, 1st class, Benipatti, Madhubani), within a period of six weeks from today in connection with G.R. No.1360 of 2014/Tr. No.1981 of 2016, and make prayer for regular bail with an affidavit that he is ready to keep the wife and son with care and dignity and in the event the Court below is satisfied that the petitioner is ready to keep the wife and son with care and dignity and will not harass her mentally or physically, the Court below shall release the petitioner on provisional bail to its own satisfaction for a period of six months and will issue notice to the wife and after appearance of the wife will try for reconciliation between the parties by calling them every month.

In the event the Court below finds that conjugal relationship have been restored between the parties or the wife does not appear before the Court below even after issuance of notice or conjugal relationship could not restored on account of indifferent attitude of wife, the Court below will confirm the



provisional bail of the petitioner after six months.

It is made clear that in the event the complainant after going with the husband in terms of the order of this Court complains about physical or mental torture at the hands of the petitioner during the period of provisional bail, it will be open to the Court below to pass appropriate order in accordance with law without taking into consideration the observations made above including the cancellation of provisional bail granted to the petitioner.

It has been submitted on behalf of the Opposite Party No.2 that the husband has filed Divorce Case before the Principal Judge, Family Court, Darbhanga, and also another case against the witnesses of the case at Darbhanga.

The Court below during the reconciliation will make effort and issue direction to the petitioner to withdraw those cases in the event the Court below is satisfied that conjugal relationship have been restored between the parties.

The application stands disposed off.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

