

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41569 of 2017

Arising Out of PS.Case No. -1580 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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Chandra Bhushan Singh @ Ghultan Singh son of Uma Shankar Singh
resident of village - Harpur Hardas, Police Station - Raja Pakar, District -
Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Babli Devi daughter of Deo Krishna Singh resident of Kanauji
Kachhaura, Police Station - Gopalpur, District - Patna at present C/o Satish
Singh, resident of Gosai Math, Police Station - Telmar, District - Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 1580-C of 2012 instituted for the offence under Sections
341, 323, 504, 498A 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 at the time of marriage several articles were
given which have been kept by her husband i.e. the petitioner.



Learned counsel for the petitioner has submitted that petitioner is ready to maintain his wife and daughter with full dignity and care. He however denied about the articles which is alleged to have been given at the time of marriage.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, Bihar Sharif, within a period of four weeks from date of receipt of this order in connection with Complaint Case No. 1580-C of 2012, 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 month 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 to which the court gets satisfied, 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 direction.

(Sanjay Priya, J)

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