

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38498 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. Sachin Kumar, son of Satya Narayan Mahto, resident of village-
Sugapatti P.S. Phulparas, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 08-09-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Phulparas P.S.

Case No.123 of 2016 instituted for the offence under Section(s)

341, 323, 498-A, 406, 494/34 Indian Penal Code.

Petitioner is husband of the Informant. It has been submitted that he is ready to keep the wife with full dignity and honour.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Additional Chief Judicial Magistrate, II, Jhanjharpur, Madhubani**, within a period of four weeks from today in connection with **Phulparas P.S. Case No.123 of 2016**, along with Affidavit that he will keep the wife 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-Informant and in the event the Informant becomes ready to go and live with the petitioner, 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 and 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 shall confirm the provisional bail of the petitioner after six 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 during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner to which the Court below is satisfied or on appearance of wife the petitioner does not become ready to take her with him, 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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