

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10061 of 2017

Arising Out of PS.Case No. -835 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mukesh Kumar @ Mukesh Singh @ Kaku, son of late Shivashraya Singh, resident of village-Rupash Mahajee, Bari Tola, P.S.- Shalimpur, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Aarti Devi, wife of late Mukesh Singh, D/o Dineshwar Singh, resident of village-Rupash Mahajee, Bari Tola, P.S. Shalimpur, District-Patna. At Present resident of Hazipur Billour, P.S.-Barh, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 22-08-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Complaint Case No.835-C of 2014 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Notice was issued to the Opposite Party No.2 through the counsel for the complainant in the Court below. In spite of service of notice upon the counsel for the Opposite Party No.2, none appears on behalf of the Opposite Party No.2.

Petitioner is husband of the complainant-Opposite Party No.2. It has been submitted that he is always ready to keep



the wife-complainant with full dignity and care.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Barh, within a period of six weeks from today in connection with Complaint Case No.835-C of 2014, along with Affidavit that he will keep the wife with full dignity and care and in the event the Court below finds that petitioner is ready to keep the wife with full dignity and care, 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-Opposite Party No.2 and on appearance of Opposite Party No.2, will try to reconcile the matter and if Opposite Party No.2 becomes ready to 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 has 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 will 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 and the Court below is satisfied with such statement 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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