

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50920 of 2017

Arising Out of PS.Case No. -696 Year- 2016 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Ravi Mallik @ Ravi, son of Shambhu Mallik, resident of Mohalla-
Mansurganj, Mushari, P.S.- Malsalami, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bharti Devi, D/o Nandu Mallik, resident of Sirchanpur, P.S.- Harnaut,
District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party No.1: Mr. Ashok Kumar Singh, APP

For the Opposite Party No.2: Mr. Manoj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 15-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in Complaint Case
No.696(C) of 2016 instituted for the offence under Section(s)
498-A Indian Penal Code and Section 34 of the Dowry
Prohibition Act.

Petitioner-husband is present in Chambers along
with his mother. Opposite Party No.2-wife is also present with
her father along with minor child.

Petitioner-husband and his mother have stated that
they are ready to keep the Opposite Party No.2-wife with all
respect and care.



Father of the Opposite Party No.2-wife has stated that he is ready to send his daughter provided she is kept with all respect. Wife-Opposite Party No.2 is also ready to go and live with the petitioner if the petitioner-husband keeps her properly.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Sub-Divisional Judicial Magistrate, Nalanda**, within a period of four weeks from today in connection with **Complaint Case No.696-C of 2016**, along with Affidavit that he will keep the wife and minor child 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 on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to



move for cancellation of bail of the petitioner, and will issue notice to the wife-Opposite Party No.2 and in the event the Opposite Party No.2 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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