

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57264 of 2017

Arising Out of PS.Case No. -2493 Year- 2016 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Govind Pal, S/o Late Suresh Pal, R/o Village- Narayanpur, P.S.- Abadpur,
District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Santu Devi, W/o Govind Pal, D/o Kailash Pandit, R/o Narayanpur, P.S.-
Abadpur, Distt.- Katihar, at present residing at officers Colony, Katihar,
P.O., P.S.& District- Katihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-12-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **complaint**
Case No. 2493 of 2016 instituted for the offence under Section
498A of the Indian Penal Code and Section 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. He has filed a petition under Section 9 of the Hindu
Marriage Act, for restitution of conjugal rights which is pending
before the Principal Judge, Family Court, Katihar vide
Matrimonial Case No. 20 of 2017. The opposite party No. 2 is not



appearing in that case. It has further been submitted that in the instant case also the opposite party No. 2 has suo motu appeared by filing Vakalatnama, earlier, but, today during hearing of the bail petition, no one has appeared on her behalf.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. learned Sub Divisional Judicial Magistrate, Katihar, within a period of four weeks from the date of receipt/production of a copy of this order in connection with Complaint Case No. 2493 of 2016, 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 six 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 become ready to go with the husband even after valid 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 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 and the court become satisfied with such statement, 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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