

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3714 of 2017

Arising Out of PS.Case No. -319 Year- 2016 Thana -PHULWARI District- PATNA

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1. MD KAMAL ASHRAF @ GORE @ GORAKH @ KAMAL ASHRAF
Son of late Abdul Rahman Resident of Village- Murgiyachak, P.S.-
Janipur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shazia Perween @ Pinki, d/o late Md. Ibrar, resident of F.T.No.201,
Jainab Mobil Plalaza, Makhdoom Rashti Nagar, P.S.-Phulwarisharif,
district- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate

For the Opposite Party No.1: Mr. Yogendra Kr. Singh, APP

For the Opposite Party No.2: None

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 11-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in
Phulwwarisharif (Janipur) P.S. Case No.319 of 2016 instituted
for the offence under Section(s) 498-A Indian Penal Code and
Section 34 of the Dowry Prohibition Act.

Counsel for the petitioner has submitted that the
petitioner-husband is always ready to keep the wife.

None has appeared on behalf of the Opposite Party
No.2, although vakalatnama has been filed on her behalf and the
name of the counsel for the Opposite Party No.2 is appearing in
the daily cause list. The case was adjourned on 06.04.2017 and



10.04.2017 for appearance of counsel for the Opposite Party No.2.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Judicial Magistrate, 1st class, Patna, within a period of six weeks from today in connection with Phulwarisharif (Janipur) P.S. Case No.319 of 2016, 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 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 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 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.

The application stands disposed off.

(Sanjay Priya, J)

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