

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15863 of 2016

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1. Keshaw Kushwaha, son of Rajendra Kushwaha, resident of village-Harpur, P.S.-Vijayeeepur, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajani Devi, wife of Keshw Kushwaha, D/o-Ram Dash Kushwaha, R/o Village-Harpur, P.S.-Vijayeeepur, District-Gopalganj, at present r/o Village-Mishra Kotawa, P.S.-Baghanchaghat, District-Deoria (U.P.)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP
Mr. Ajay Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 20-02-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Tr. No.901 of 2016 instituted for the offence under Section(s) 498-A Indian Penal Code.

This application was earlier fixed in Chambers. Both husband and wife appeared personally. While husband showed his readiness to keep the wife, wife was not ready to live with the petitioner (husband).

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below (ACJM-1, Gopalganj), within a period of six weeks from today in connection with Tr. No.901 of 2016, with an undertaking



that he is ready to keep the wife with full care and dignity, and in the event the petitioner surrenders and prays for regular bail, the Court below will enlarge the petitioner on provisional bail for a period of six months and will issue notice to the complainant- Opposite Party No.2, and will make effort to reconcile the matter and in the event the Court below finds that the wife is not ready to live with the husband or reconciliation fails on account of indifferent attitude of wife or the wife does not appear on notice, the Court below will confirm the provisional bail after six months.

It is made clear that in the event the wife on issuance of notice appears and expresses her desire to live with the husband but the husband refuses to take her and/or the wife makes complain of physical or mental torture committed by the petitioner after living with him, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail without taking into consideration the observations made above by this Court.

The application stands disposed off.

(Sanjay Priya, J)

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