

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46676 of 2016

Arising Out of PS.Case No. -56 Year- 2015 Thana -MAHILA P.S. District- SARAN

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1. Om Prakash Thakur, son of Ram Babu Thakur, resident of village-
Rudalpur, P.S.-Jalalpur, District- Saran

.... Petitioner/s

Versus

1. State of Bihar
2. Mamta Thakur, wife of Om Prakash Thakur, D/o- Ram Asheshar
Sharma, resident of village-Rudalpur, P.S.- Jalalpur Bazar, Saran, at
present village- Lahlad Chak (Rajapur), P.S. -Nayagaon, District- Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Alok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 15-02-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Mahila P.S.
Case No.56 of 2015 instituted for the offence under Section(s)
498-A/34 Indian Penal Code and ¾ of the Dowry Prohibition
Act.

Both the husband and wife have appeared today in
Court. They have stated that they are living happily and
peacefully. The Court enquired from the wife and she stated that
she is living with her husband. She has no problem with him. The
husband also, on being enquired, stated that he is living with his
wife.



In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below (Sub-Divisional Judicial Magistrate, Chapra), along with his wife within a period of six weeks from today in connection with Mahila P.S. Case No.56 of 2015 and make prayer for regular bail with an affidavit that he is keeping the wife with care and dignity and in the event the Court below is satisfied that the petitioner is keeping the wife with care and dignity and will not harass her mentally or physically, the court below will release the petitioner on provisional bail to his own satisfaction for a period of six months and the Court below will monitor the relationship between the parties by calling them every three month and in the event the Court below finds that both the parties are living happily and there is no complain by the wife about committing mental or physical torture or the relationship could not be restored on account of indifferent attitude of wife, 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 the wife and affidavit as ordered above or the Court below finds that the petitioner is not ready to keep the wife with full dignity and care, it will be



open to the Court below to pass appropriate order in accordance with law without taking into consideration the observations made above.

The application stands disposed off.

(Sanjay Priya, J)

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