

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34598 of 2017

Arising Out of PS.Case No. -1049 Year- 2016 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Abdul Majid Qasmi, S/o Basir Ahmad, R/o Mohalla- Babu Dih, P.S.-
Bishantu, Post Madhuban, District- Deoghar (Jharkhand), At present
residing at Mohalla- Nil Kothi, P.S. and P.O.- Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gaushia Parveen @ Muskan Parveen, W/o Abdul Majid Qasmi, R/o
Mohalla- Nil Kothi, P.S.- Dehri, P.O.- Dehri, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naseem Mukhatar, Advocate.
Mr. Majid Mahboob Khan, Advocate
For the opposite party No.2 : Mr. Arvind Kumar Pandey, Advocate
Mr. Jitendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-09-2017 Heard learned counsel for the petitioner, learned
counsel for the opposite party No.2 and learned counsel for the
State.

The petitioner apprehends his arrest in Complaint
Case No. 1049 of 2016 instituted for the offence under Section
498A of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep his wife with full honour and
dignity.

The counsel for the opposite party No. 2 has appeared



and submitted that opposite party No. 2 (wife) is also ready to live with her husband.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Additional Chief Judicial Magistrate-V, Sasaram (Rohtas), within a period of six weeks from today in connection with Complaint Case No. 1049 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 complainant (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 months 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 appear 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, 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 observations.

(Sanjay Priya, J)

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