

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1424 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -PARAIYA District- GAYA

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1. Rustam Kumar, S/o Mahendra Prasad, resident of village-Jamalpur,
P.S.-Paraiya, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar,
2. Munni Devi, wife of Rustam Kumar, all resident of village-Jamalpur,
P.S.-Paraiya, District-Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 06-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Paraiya P.S.
Case No.126 of 2016 instituted for the offence under Section(s)
498-A/34 Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Notice was issued to the Opposite Party No.2,
which was validly served.

Today, neither Opposite Party No.2 has appeared
nor any vakalatnama has been filed on her behalf.

Petitioner is husband of the informant. It has been
submitted that the petitioner is always ready to keep the wife.

In such circumstances, this application is disposed



off with direction to petitioner to surrender before the Court below i.e. Judicial Magistrate, 1st class, Gaya, within a period of six weeks from today in connection with Paraiya P.S. Case No.126 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 on 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 the 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 shall 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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