

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5026 of 2017

Arising Out of PS.Case No. -160 Year- 2016 Thana -BIBHUTIPUR District- SAMASTIPUR

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Ganesh Kumar Sah, S/o Ramashray Sah, R/o Village- Chakhabib, Police
Station-Bibhutipur, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari, daughter of Ram Prasad, wife of Ganesh Kumar Sah, r/o
village Chakahledad, P.S. Ghatoho, Distt. Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Smt. Pronati Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-03-2017 Both husband and wife appeared in Chambers along
with their respective counsels.

The husband has stated that he is always ready to
keep his wife. The wife along with her father is also present. The
wife i.e. opposite party No. 2 is not willing to live with the
petitioner. The wife is apprehending danger to her life. Similar
statement has been made by her father.

From the impugned order it appears that the husband
was ready to keep his wife but she did not become ready to live
with him.

Considering the aforesaid facts and circumstances of
the case, the petitioner is directed to surrender before the court



below within a period of six weeks from today and make prayer for regular bail along with an affidavit that he will keep his wife with full honour and dignity and in that event, the court below will enlarge the petitioner on provisional bail for a period of six months and issue notice to the opposite party No. 2 (wife) and try to reconcile the matter between the parties by calling them in court every month. If the court below succeeds in restoring good conjugal relationship between husband and wife or the good conjugal relationship could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner shall be confirmed after six months.

It is made clear that in the event the court below finds that wife makes complain against the husband of committing mental and physical torture with her during period of reconciliation or the court is satisfied that the husband is not keeping her properly and also that after appearance in the court, the wife is ready to go with her husband but the husband is not ready to take her, the court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail granted to the petitioner without taking into consideration the aforesaid observations of this Court.



With aforesaid observations, the application is disposed off.

(Sanjay Priya, J)

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