

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12970 of 2017

Arising Out of PS.Case No. -747 Year- 2016 Thana -BIHTA District- PATNA

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Lao Kumar @ Love Kumar, son of Aadiya Yadav, resident of village-Pakari, P.S.-Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Soni Kumari, d/o Ram Raj Prasad, resident of village-Simari Nawada, P.S.-Bihta, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP
Mr. Niranjana Parihar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 29-06-2017

Heard learned counsel for the Petitioner and the State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Bihta P.S. Case No.747 of 2016 instituted for the offence under Section(s) 498-A, 341, 323, 324/34 Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Petitioner is husband of the informant. It has been submitted that the petitioner is always ready to keep the wife. This matter was sent to the Mediation Centre. Report of the Mediator has been received, wherein, it is mentioned that the petitioner was ready to keep her wife, but the wife-Opposite Party No.2 was not ready to live with the husband.

In such circumstances, this application is disposed



off with direction to petitioner to surrender before the Court below i.e. Additional Chief Judicial Magistrate, Danapur, Patna, within a period of six weeks from today in connection with Bihta P.S. Case No.747 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 to 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 has 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 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 during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner and the Court below is satisfied by such statement 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 is, accordingly, disposed off.

(Sanjay Priya, J)

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