

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5088 of 2017

Arising Out of PS.Case No. -257 Year- 2014 Thana -DINARA District- SASARAM (ROHTAS)

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Anupam Singh, S/o Teg Bahadur Singh, R/o Village- Jamarordha, P.S.-
Dinara, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arati Singh, D/o Hari Charan Singh, R/o Village- Chawari, P.S.-
Kochas, District- Rohtas. At present R/o Village- Kendua More, Near
Petrol Tank, Bijali Lane Q. No. N/95, P.O.- Karkendh, P.S.- Pataki,
District- Dhanbad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 30-03-2017 Both husband and wife are present in Chambers along
with their respective counsels. The brother of the informant is also
present.

The wife is present with minor daughter aged about
five years. She has stated that she is unsafe in living with her
husband in the husband's house. She has been assaulted by her
husband.

The husband has stated that he is ready to bear the
expenses of education of the children and also maintenance of the
wife. He has further stated that he has no objection if she lives in
his house or at Dhanbad with her parents. It is stated that he



should be allowed to visit his sasural to meet the wife and children and he should not be obstructed to meet his wife and children. He should not be misbehaved in the sasural for which the wife and her brother have agreed.

The petitioner (husband) has consented during reconciliation that at present he will make payment of Rs.10,000/- per month for maintenance of both the sons and daughter for their education and other expenses in Dhanbad. He has also stated that he will also take responsibility of all other expenses if so required.

In such circumstances, the petitioner is directed to surrender before the court below i.e. Sub-Divisional Judicial Magistrate, Bikaramganj, Rohas, in connection with Dinara P.S. Case No.257 of 2014, within a period of four weeks with an undertaking that he will give Rs.10,000/- per month, at present, for maintenance of his two children and wife and he will also bear the other expenses, if so required, and in that event, the petitioner will be enlarged on provisional anticipatory bail by the Court below on its own satisfaction for a period of one year. During that period, both husband and wife will try to make attempt to settle the differences between them by meeting each other in place of their choice as per their convenience and consent. It is directed that when the husband will visit his sasural or the wife will visit her



sasural none of the family members from either of the parties will commit any physical and mental torture with them. If they do the same, they will inform the court below and the court below will take appropriate action in accordance with law against the persons who will commit such type of misbehaviour or torture. The husband will appear in the court below in every two months and inform the court about the progress in settling the dispute between both the parties and if possible, the wife will also appear with her husband in the court below. In the event, the court below finds that amicable settlement has been arrived at and good conjugal relationship has been restored or the court comes to a conclusion that due to indifferent attitude of the wife good conjugal relationship could not be restored, the provisional bail granted to the petitioner shall be confirmed after one year.

The parents and family members of both sides are directed to make efforts to restore good conjugal relationship between husband and wife keeping in view the future of both the children.

The petitioner is directed to make payment directly to the informant in her bank account, number of which will be given by the informant to the petitioner. The petitioner will deposit the amount directly in the account of the informant by 15th of every



month.

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 or the petitioner does not make payment of amount as agreed in this Court, it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail granted to the petitioner without taking into consideration the observations made above by this Court.

(Sanjay Priya, J)

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