

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14570 of 2017**

Arising Out of PS.Case No. -553 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE District-  
SAMASTIPUR

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1. Sanjeet Kumar Giri, S/o Devan Giri, resident of village- Songar, P.S.-  
Tajpur, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Kamani Devi, W/o Sanjeet Kumar Giri, resident of village- Songar,  
P.S.- Tajpur, District- Samastipur. at present D/o Baidyanath Giri,  
resident of village- Latbasepura, P.S.- Musrigharai, District- Samastipur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP  
Mr. Ranjeet Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4/ 08-09-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in C.R. No.553 of  
2015 (T.R.No.969 of 2015) instituted for the offence under  
Section(s) 323, 494, 498-A, 406/34 Indian Penal Code.

Matter was earlier sent to Mediation Centre, but as  
per the report of the Mediator the petitioner did not appear there.

Counsel for the petitioner has submitted the  
petitioner could not appear on account of non communication of  
dates.

Counsel for the petitioner has submitted that the  
petitioner is ready to kept the wife with full dignity and care.



In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Judicial Magistrate, 1<sup>st</sup> class, Samastipur**, within a period of four weeks from today in connection with **C.R. No.553 of 2015 (T.R.No.969 of 2015)**, along with Affidavit that he will keep the wife with full dignity and care and in that event 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 in the event the Opposite Party No.2 becomes ready to go and live with the petitioner, the Court below 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 to which the Court below is satisfied 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.

This application is, accordingly, disposed off.

**(Sanjay Priya, J)**

JA/-

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