

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9551 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -MAHILA PS District- JEHANABAD

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Sujay Kumar, son of Sri Parmanand Sharma, resident of village-Samarkand,
P.S.-Ghosi, in the district of Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

Mr. Rama Kant Sharma, Sr. Advocate with

Mr. Arun Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

8/ 22-06-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Jehanabad
Mahila P.S. Case No.70 of 2016 instituted for the offence under
Section(s) 341, 323, 498-A, 504, 120-B/34 Indian Penal Code
and Section 4 of the Dowry Prohibition Act pending in the Court
of the Chief Judicial Magistrate, Jehanabad.

Both husband and wife are present in Court. By
order dated 19.04.2017, husband was directed to keep the
informant with him. Father of the husband-petitioner was also
advised to counsel his son to keep the wife with proper care.
Today, father of the husband-petitioner is not present in Court.

Opposite Party No.2-wife along with her father are
present. They have stated that the petitioner never visited the



place to take her.

Petitioner-husband has stated that he had made phone calls and the mother of the wife-Opposite Party No.2 received the call and abused him.

In such circumstances, from the conduct of the husband and his father, this Court is of the view that in spite of best efforts made by this Court, husband is not willing to keep the wife and he is merely wasting time of the Court.

There is direct and specific allegation against husband of committing physical and mental torture with wife and minor child.

In view of such, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

However, it is observed that at the time of surrender if the petitioner expresses his desire to keep the wife and his minor daughter, in that event, the Court below will enlarge the petitioner on provisional bail to its own satisfaction for a period of three weeks and will issue notice to the wife-Opposite Party No.2 and on appearance of Opposite Party No.2, the Court below



will allow the petitioner to remain on provisional bail for a further period of three months in the event the petitioner becomes ready to take the wife with him 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, the Court below shall confirm the provisional bail of the petitioner after three months.

It is made clear that in the event the petitioner does not become ready to take the wife 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.

(Sanjay Priya, J)

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