

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13966 of 2017

Arising Out of PS.Case No. -147 Year- 2016 Thana -KHAGAUL District- PATNA

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Uday Kumar, S/o Sri Shivrath Prasad, aged about 48 years Resident of
Mohalla- Saidpura, P.S. Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Baby Devi, Wife of Uday Kumar, Resident of Mohalla- Saidpura, P.S.
Khagaul, District- Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajeev Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Khagaul P.S. Case
No. 147 of 2016, G.R. No. 2959 of 2016 instituted for the offence
under Sections 341, 323 and 498-A/34 of the Indian Penal Code.

It has been submitted that petitioner is husband of the
informant. Petitioner is always ready to keep the opposite party No. 2
(wife) and his children with full dignity and care.

In the instant case notice has been validly served on the
opposite party No. 2 but neither the opposite party No. 2 (wife) herself
appeared nor has any Vakalatnama been filed on her behalf.

In such circumstances, this application is disposed off
with direction to petitioner to surrender before the Court below i.e. Sri
R.N. Singh, learned Judicial Magistrate, Danapur, Patna, or his



successor, within a period of four weeks from today in connection with Khagaul P.S. Case No. 147 of 2016 along with Affidavit that he will keep the wife and his children 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 on appearance of Opposite Party No.2 (wife), she becomes ready to go with the petitioner (husband), 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 or 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 along with Affidavit, as ordered above, in the court below within four weeks or the wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner without any valid reason, 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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