

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22990 of 2017

Arising Out of PS.Case No. -284 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Pintu Paswan, son of Ram Bhajan Paswan, resident of Village- Sundarganj,
P.S.- Rohtas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rina Devi, wife of Pintu Paswan, D/o Sri Vishwanath Paswan, resident
of Village- Karmdiha, P.S.- Nauhatta, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 08-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. 284 of 2013 instituted for the offence under Section
498(A) of the Indian Penal Code.

Notice was issued to the complainant (wife) but she
did not appear even after valid service of notice.

It is mentioned in the impugned order that in the court
below also the wife did not appear during reconciliation despite
serving notice. In paragraph-9 of the bail petition it is mentioned
that petitioner is always ready to keep the complainant (wife) with
love and affection.

In such circumstances, this application is disposed off



with direction to petitioner to surrender before the Court below i.e. Shri Dhirendra Kumar, learned Judicial Magistrate, 1st Class, Dehri-on-Sone, Distt. Rohtas, within a period of six weeks from today in connection with Complaint Case No.284 of 2013 with Affidavit that he is ready to 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 on appearance of Opposite Party No.2, the court below will try to reconcile the matter between the spouses and if she becomes ready to go with her 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 if the wife (complainant) becomes ready to go with the petitioner (husband), but he is not ready to take her or the wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner without any *bona fide* 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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