

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4954 of 2017

Arising Out of PS.Case No. -713 Year- 2015 Thana -COMPLAINT CASE District- BANKA

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1. Ashutosh Kumar Sah @ Pappu Sah, son of Girdhari Prasad Sah, resident of village- Dhonihat, P.O. Morama, P.S. Rajoun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shila Devi, Wife of Ashutosh Kumar Sah, resident of village- Baratikar, P.O. Morama, P.S. Rajoun, District- Banka. At present daughter of Ram Krishna Sah, resident of Village- Jaypur, P.O. Rahmandih, P.S. Dhoraiya, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP
Md. Nurul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 21-06-2017

Heard learned counsel for the Petitioner and the State as well as counsel for the Opposite Party No2.

The Petitioner apprehends his arrest in Complaint Case No.713 of 2015 instituted for the offence under Section(s) 323, 498-A, 494 and 504 Indian Penal Code.

The matter was earlier sent to Mediation Centre. As per report of the Mediator kept at flag-‘Y’, matter has been settled between the parties in terms of the agreement arrived at between the parties.

Both husband and wife are present in Court. Wife has stated that the husband is not complying the terms and



conditions arrived at between the parties. She has also alleged of committing torture by the husband.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Judicial Magistrate, 1st class, Banka, within a period of six weeks from today in connection with Complaint Case No.713 of 2015 and make prayer for regular bail along with Affidavit that he will comply the terms and conditions of the agreement arrived at between the parties at the Mediation Centre and in the event the Court below is satisfied that the petitioner is ready to comply the terms and conditions of the agreement arrived at between the parties at the Mediation Centre, the court below will release the petitioner on provisional bail to its own satisfaction for a period of six months 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 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 and the petitioner is complying the terms and conditions of the agreement arrived at between the parties, the Court below will confirm the provisional bail of the petitioner after six months.



It is made clear that in the event the Court below is not satisfied that the petitioner is complying the terms and conditions of the agreement arrived at between the parties at Mediation Centre or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner, 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)

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