

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24900 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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1. SANJAY KUMAR @ SANJAY PRASAD, S/o Kamal Prasad, R/o
Village- Sankhpalli, P.S.- Islampur, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Jyoti

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 04-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Ekangarsarai P.S. Case
No. 11 of 2017 instituted for the offence under Sections-498A, 341,
323, 504/34 of Indian Penal Code.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep his wife (Informant) but the wife
has not appeared in the court below even after issuance of notice.

In view of such, this application is disposed off with
direction to petitioner to surrender before the Court below i.e. Sub
Divisional Judicial Magistrate/concerned court, Hilsa, District-
Nalanda within a period of four weeks from today in connection
with Ekangarsarai P.S. Case No. 11 of 2017, along with Affidavit
that he will keep the wife with full dignity and care. In the event



the Court below finds that petitioner is willing to keep his wife with full dignity and care, 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 informant (wife) 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 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 valid 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 the petitioner refuses to keep the wife on her appearance in court or wife during the period of monitoring 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.

A.K.V./-

(Sanjay Priya, J)

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