

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32454 of 2017

Arising Out of PS.Case No. -3274 Year- 2014 Thana -SARAN COMPLAINT CASE District-
SARAN

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Dharmendra Sah @ Dharmendra Kumar Sah, Son of Sri Jagdish Sah,
Resident of Village- Phakuli, P.O.- Louwa, P.S. Panapur, District- Saran at
Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sukanti Devi, Wife of Sri Dharmendra Sah, Daughter of Sri Rajendra Sah, resident of Village- Phakuli, P.O.- Louwa, P.S.- Panapur, District- Saran at Chapra, presently residing at Village- Chirand, P.O.- Doriganj, P.S. Doriganj, District- Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 2 14-07-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in Complaint
Case No. 3274 of 2014 instituted for the offence under Section
498A of the Indian Penal Code.
- It has been submitted that the husband (petitioner) is
ready to keep his wife (opposite party No. 2).
- Learned counsel for the opposite party No. 2 has
appeared and submitted that the opposite party No. 2 (wife) is also
ready to live with the petitioner (husband).
- In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court



below i.e. Additional Chief Judicial Magistrate, 12th, Saran at Chapra, within a period of six weeks from today in connection with Trial No. 34 of 2017 arising out of Complaint Case No. 3274 of 2014, along with Affidavit that he will keep the wife with full dignity and care. In the event the Court below finds that petitioner is ready 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 nine months and will issue notice to complainant (wife) and on appearance of wife the petitioner will take his wife with him and, thereafter the court below will monitor the relationship between husband and wife by calling both of them every month in the court below and in the event the court below finds that good conjugal relationship has been restored between husband and wife or wife does not make any complain about 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 will confirm the provisional bail of the petitioner after nine 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 below 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.

This application is, accordingly, disposed off.

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(Sanjay Priya, J)

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