IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13455 of 2017

Arising Out of PS.Case No. -1881 Year- 2014 Thana -SARAN COMPLAINT CASE District-SARAN

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1. Bhusan Singh, son of late Muni Singh, resident of Village- Narotam Pakri, P.O.- Satzora, P.S.- Panapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rajanti Devi, W/o Bhusan Singh, D/o Paras Singh, resident at village- Titira, P.O.- Sonho, P.S.- Parsa, District- Saran, also at village- Narotam Pakri, P.O.- Satzora, P.S.- Panapur, Dist- Saran.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 30-06-2017 Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Trial No.2719 of 2016 arising out of Complaint Case No.1881 of 2014 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 4 of the Dowry Prohibition Act.

Petitioner is husband of the complainant-Opposite Party No.2.

It has been submitted that the petitioner has filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in which wife has appeared but she is not ready to live with the petitioner.

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Notice was issued to the Opposite Party No.2. The Opposite Party No.2 has appeared by filing vakalatnama but none has appeared on her behalf.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Saran at Chapra, within a period of six weeks from today in connection with Trial No.2719 of 2016 arising out of Complaint Case No.1881 of 2014, along with Affidavit that he will keep the wife with full dignity and care and in the event the Court below finds that petitioner is ready to keep the 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 the wife-Opposite Party No.2 and on appearance of Opposite Party No.2, will try to reconcile the matter and if Opposite Party No.2 becomes ready to live with the petitioner, 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 has 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

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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 in the Court below along with Affidavit, as ordered above, or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner and the Court below is satisfied with such statement or on appearance of wife the petitioner does not become ready to take her with him, 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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