

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32839 of 2017

Arising Out of PS.Case No. -268 Year- 2015 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Santosh Singh s/o Karamdeo Singh Resident of vill - Ekwana Ghat p.s. -
Barhara, Dist - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Singh D/o Ashok Singh at present resident of vill - Majhaua, p.s. -
Ara Town Dist - Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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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 his arrest in Complaint
Case No. 2519 of 2014 instituted for the offence under Sections
498A of the Indian Penal Code and Sections 3/4 of the Dowry
Prohibition Act.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep the wife. The notice has been issued
to opposite party No. 2 and she appeared through her counsel but
today, none appeared on behalf of opposite party No. 2.

In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court
below i.e. Sub Divisional Judicial Magistrate, Bhojpur at Ara



within a period of four weeks from today in connection with Complaint Case No. 2519 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 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.

(Sanjay Priya, J)

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