

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38295 of 2017

Arising Out of PS.Case No. -239 Year- 2014 Thana -PANDAU District- MADHUBANI

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1. Pankaj Mandal S/o Ram Bilash Mandal, resident of Village- Bhithi
Salempur, P.S.- Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anju Devi, D/o Kapileshwar Mandal, resident of Village- Kaithahi Tole,
Bathnaha, P.S.- Rajnagar, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Pandaul P.S. Case
No. 239 of 2014 instituted for the offence under Sections 323, 379,
498A of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the
petitioner is ready to keep his wife.

In such circumstances, this application is disposed off
with direction to petitioner to surrender before the Court below i.e.
learned Chief Judicial Magistrate, Madhubani within a period of six
weeks from today in connection with Pandaul P.S. Case No. 239 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 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 complaint 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 issuance 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 complaint about physical and mental torture committed by the petitioner to which, the court gets satisfied, 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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