

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41558 of 2017

Arising Out of PS.Case No. -2480 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

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Md. Azad, Son of Mahbuddin, Resident of Village- Pipa Tappu Tola, Police Station- Jogbani, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Roshan Khatoon, daughter of Md. Israil, Resident of Village- Pipra Tappu Tola, Police Station- Jogbani, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party/s : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-09-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint P.S.

Case No. 2489-C of 2016 instituted for the offence under Section 498(A) of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he is husband of the complainant. There is general and omnibus allegation leveled against the petitioner. He is ready to keep the opposite party No. 2 (wife) with full dignity and care.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Shri R.K. Pandey, learned Judicial Magistrate-1st Class, Araria, within a period of four weeks from today in connection with



Complaint Case No. 2480-C of 2016, 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 six months and will issue notice to complainant (wife) and on appearance of wife if she becomes ready to go with her husband, the court below will monitor the relationship between the parties by calling both of them every months in the court below 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 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 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 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.

Application is disposed off with aforesaid observations.

(Sanjay Priya, J)

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