

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41350 of 2017

Arising Out of PS.Case No. -228 Year- 2016 Thana -COMPLAINT CASE District- SHEOHAR

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Anil Kumar, Son of Bharat Rai, R/o Village- Nimahi, P.S.- Tariyani,
District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Babita Devi, W/o Anil Kumar, D/o Uma Shankar Rai, R/o Village-
Kolaso Motnaje, P.S.- Tariyani, District- Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, A.P.P.

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-09-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint
Case No. C1-228 of 2016 instituted for the offence under Sections
323, 379 and 498(A) of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep his wife with full honour and
dignity.

Accordingly, this application is disposed off with
direction to petitioner to surrender before the Court below i.e.
Chief Judicial Magistrate, Sheohar, within a period of four weeks
from today in connection with Complaint Case No.C1-228 of
2016, 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 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 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 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 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.

This application is accordingly disposed off.

(Sanjay Priya, J)

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