

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51272 of 2017

Arising Out of PS.Case No. -205 Year- 2017 Thana -DIGHA District- PATNA

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1. Ajay Kumar Gupta, son of Arjun Prasad @ Arjun Prasad Sahu. resident of Mohalla- Kurjee, Vikash Nagar, Road No. 09, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Deepti Raj, wife of Ajay Kumar Gupta, Daughter of Yugeshwar Sahu, At present residing at Mohalla- Laxmi Nagar, Kurjee, Baloo Par, P.S.- Digha, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 28-11-2017 Both husband and wife are present in Chamber today.

Lawyers of both sides are present.

It has been submitted by counsels that both the parties have amicably agreed outside the court to live together. The wife and husband are present and on query made by this court, they have stated that they have agreed to live together.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. learned Chief Judicial Magistrate, Patna within a period of four weeks from the date of receipt of the order in connection with Digha P.S. Case No. 205 of 2017, along with Affidavit that



they will live together with full dignity and care and they will not commit physical and mental torture with each other and in that event, the court below will grant provisional anticipatory bail to the petitioner for a period of one year 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 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 conjugal relationship could not be restored on account of indifferent attitude of wife, in that event, the court below shall confirm the provisional bail of the petitioner after one year.

It is made clear that during the period of monitoring, if either of parties makes complaint before the court below about mental or physical torture committed by them and the court below becomes satisfied by their version, in that event, the court below will try to resolve the issue between the parties and will make all efforts for restoration of conjugal relationship between the parties during the aforesaid period.

It is made clear that in the event, wife makes complaint during monitoring about physical and mental torture, the court



below will be at liberty 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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