

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55532 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -SISWAN District- SIWAN

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1. Omkar Kumar Singh, Son of Harendra Singh, Resident of Village-
Karsaut, Police Station- Daraunda, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Siswan P.S. Case No. 93
of 2017 instituted for the offence under Sections-308, 498A/34 & other
minor Sections of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep the wife with full dignity and
honour. The counsel for opposite party No. 2 has submitted that
wife is also ready to live with the petitioner if he keeps her with
dignity and care.

In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court
below i.e. learned Additional Chief Judicial Magistrate-X, Siwan
within a period of four weeks from the date of receipt of the order



in connection with Siswan P.S. Case No. 93 of 2017, 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 nine months and will issue notice to informant (wife) and in the event wife appears and agree to go with the 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 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 nine 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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