

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6012 of 2017

Arising Out of PS.Case No. -14 Year- 2016 Thana -VISHNUPAD District- GAYA

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1. Akhilesh Jha Govind, son of late Sarv Narayan Jha, resident of Parwati Apartment, Flat No.03, Patna, P.S.-Rupaspur, District-Patna. Permanent Address-Village + P.O.-Mahinathpur, Dewal Tola, P.S.-Basopatti, District- Madhubani, presently C/o Air Force, I.T. Section Wingh 12, P.S.-Sector-31, Chandigarh, Punjab.

.... Petitioner/s

Versus

1. The State of Bihar
2. Manisha Jha, wife of Akhilesh Jha Govind, D/o Sri Laxman Mishra, resident of village + P.O.-Kaithahi, P.S.-Rajnagar, District-Madhubani, presently Mohalla- Pandit Toli (Naili Dubhal), Khatkachak Bye-Pass Road, P.S.-Vishnupad, Gaya, District-Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Prabhakar, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, Advocate
Mr. Amarendra Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 10-05-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Vishnupad P.S. Case No.14 of 2016 instituted for the offence under Section(s) 341, 323, 504, 498-A/34 Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Both husband and wife are present in Chambers. Father and mother of the Opposite Party No.2-wife are also present.

Petitioner-husband is working in Air Force as



Technician. He has asserted in Court that he will keep the wife and his minor daughter with all care and dignity at his place of posting at Chandigarh in the official residence. He further assured that he will not commit physical or mental torture with the Opposite Party No.2-wife and will take proper care of her health as well as other needs.

The wife is also ready to live with her husband.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Gaya, within a period of six weeks preferably on 12th June, 2016, in connection with Vishnupad P.S. Case No.14 of 2016, along with wife and file an Affidavit that he will keep the wife and minor child with full dignity and care at his place of posting at Chandigarh and will not commit physical and mental torture with her. The wife will also file an Affidavit that she will live together and will not misbehave with husband and, in the event, the Court below finds that petitioner is ready to keep the wife and minor child with full dignity and care, the court below will release the petitioner on provisional bail to its own satisfaction for a period of one year and will try to reconcile the matter and will monitor the relationship between the parties by calling both of them every two



months in the Court 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 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, the Court below will confirm the provisional bail of the petitioner after one year.

It is made clear that in the event the petitioner surrenders in the Court below on the date fixed without his wife along with the Affidavit that he will keep the wife and minor child with full dignity and care at his place of posting at Chandigarh and will not commit physical and mental torture with her and gives valid reasons to the Court that he had gone to take his wife, but she did not accompany him, the Court below will release the petitioner on provisional bail and will issue notice to the Opposite Party No.2, and on her appearance will try to reconcile the matter in the manner as directed above.

It is further made clear that in the event the petitioner does not surrender in the Court below either along with wife or with Affidavit, as ordered above, or during the period of monitoring the wife makes complain about physical and mental



torture committed by the petitioner or the petitioner does not become ready to take her with him, 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.

The Opposite Party No.2-wife is directed to accompany the petitioner in the Court on the date of surrender of the petitioner.

It is further clarified that when the petitioner goes to his *Sasural* to take his wife with him, the Opposite Party No.2 or her family members will not misbehave or commit physical or mental torture with him and will give respect to him of the son-in-law.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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