

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.83 of 2017

Arising Out of PS.Case No. -12 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

- =====
1. Dipendra Pathak, S/o Mahatam Pathak, resident of village- Kateya, P.S.-
Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Akriti Pathak, D/o Prahalad Pandey, resident of village- Phulwariya -
Pandey tola, P.S. Kuchaikot, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

For the Opposite Party No.2: Mr. Vikas Ratan Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 22-02-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Gopalganj
Mahila P.S. Case No.12 of 2016 instituted for the offence under
Section(s) 498-a, 406/34 Indian Penal Code.

The petitioner submits that he is ready to keep the
wife-Opposite Party No2.

Counsel for the Opposite Party No.2 submits that
she is always ready to live with the petitioner.

In such circumstances, this application is disposed off
with direction to the petitioner to surrender before the Court
below (Sub-Divisional Judicial Magistrate, Gopalganj), along



with wife within a period of six weeks from today in connection with Gopalganj Mahila P.S. Case No.12 of 2016, and make prayer for regular bail with an affidavit that he is ready to keep the wife with care and dignity and if the Court below is satisfied that the petitioner is ready to keep the wife with care and dignity and will not harass her mentally or physically, the court below will release the petitioner on provisional bail on his own satisfaction for a period of six months and the Court below will monitor the conjugal relationship between the parties by calling them every month and in the event the Court below finds that both the parties are living happily and there is no complain from the side of wife, or the Court finds that conjugal relationship could not be restored due to indifferent attitude of wife, 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 the wife, as ordered above, or the Court below finds that the petitioner is not ready to keep the wife with full dignity and care and/or conjugal relationship could not be restored between the husband and wife or during the period of monitoring the wife complains about mental and physical 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.

The application stands disposed off.

(Sanjay Priya, J)

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