

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1422 of 2017

Arising Out of PS.Case No. -84 Year- 2016 Thana -ISUAPUR District- SARAN

=====

1. Hasamuddin, S/o Soukat Ali, resident of village-Deoria, P.S.
Maharajganj, District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 31-01-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Esuapur P.S.
Case No.84 of 2016 instituted for the offence under Section(s)
323, 326, 498-A Indian Penal Code & Section3/4 of the Dowry
Prohibition Act.

Both the husband and wife are present in Chambers.

During reconciliation, by intervention of lawyers
and the family members of the parties, the husband (petitioner)
has agreed that he will go with the wife (Opposite Party No.2) to
his *Sasural* and shall stay there in the night and on the next day
he will take the wife (Opposite Party No.2) with him. The mother
and brother of the Opposite Party No.2 are present in Chambers.



They assured the Court that they will not commit any type of physical or mental torture with the petitioner when he will visit their house and they will allow the Opposite Party No.2 to go with him tomorrow.

In such circumstances, this application is disposed off with a direction to the petitioner to surrender before the Chief Judicial Magistrate, Saran at Chapra, in connection with Esuapur P.S. Case No.84 of 2016 within two weeks from today along with his wife. In the event the Court below is satisfied after enquiring from the husband and wife that both have agreed to live together, the Court below will enlarge the petitioner on provisional bail for a period of six months on the sureties to be fixed by the Court below itself and thereafter the Court below will call both of them every month to monitor relationship between them and will try to restore conjugal relationship between them.

In the event the Court below is satisfied that good conjugal relations have been restored between the parties and the wife does not make any complain against the husband for committing any type of physical or mental torture or the Court finds that conjugal relation could not be restored on account of indifferent attitude of the wife or her bad behaviour, the Court below will confirm the provisional bail of the petitioner after the



period of six months.

It is made clear that if the petitioner does not surrender before the Court below with the wife within the stipulated period or if the Court below is not satisfied that good relationship have developed between husband and wife and the wife is ready to go with the petitioner but the petitioner is not ready to take her or the wife during the period of monitoring makes complain against the husband of committing mental or physical torture during the period of her stay with him, the Court below will be at liberty to pass appropriate order in accordance with law including cancelling the provisional bail of the petitioner, without taking into consideration the observations made above.

This application stands disposed off.

The Court below will send a report to this Court after the period of six months about the latest position of relationship between the husband and wife.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

