

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48892 of 2016

Arising Out of PS.Case No. -110 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Dinesh Ram, S/o Ramdevi Ram, R/o village - Sagar Matiya, P.S. Pipra,
Distt.- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Niki Devi, D/o Kishori Ram, R/o village-Amar Chhatatuni, P.S.
Muffasil Distt. East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Dr. Indivar Kumari, APP
Mr. Sangeet Deokuliar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 30-06-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Mahila P.S.
Case No.110 of 2015 instituted for the offence under Section(s)
498-A/34, 341, 323, 504, 506 Indian Penal Code and Section 3/4
of the Dowry Prohibition Act.

Earlier, the matter was sent to Mediation Centre.
Report of the Mediator is available on record, wherein, it is
mentioned that dispute between the parties has been resolved by
process of mediation. Both parties have agreed to live together.

Petitioner-husband has submitted that he had gone
to take his wife, but he was told that she will accompany him in
the month of *Saawan*.



Counsel for the Opposite Party No.2 has submitted that he has instruction that the petitioner-husband never visited the house of wife.

Petitioner-husband is present in Chambers but the wife is not present.

In such circumstances, since as per report of the Mediator both the parties agreed to live together, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Motihari, East Champaran, within a period of six weeks from today in connection with Mahila P.S. Case No.110 of 2015, along with Affidavit that he will keep the wife with full dignity and care in terms of the settlement arrived between the parties at Mediation Centre and in the event the Court below finds that petitioner is ready to keep the wife with full dignity and care, the court below will release the petitioner on provisional bail to its own satisfaction for a period of six months and will issue notice to the wife-Opposite Party No.2 and on appearance of Opposite Party No.2, will try to reconcile the matter and if Opposite Party No.2 becomes ready to live with the petitioner, 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 service of notice, 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 Affidavit, as ordered above, or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner and the Court below is satisfied with such statement or on appearance of wife 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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