

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45872 of 2014

Arising Out of PS.Case No. -29 Year- 2012 Thana -MAHILA P.S. District- MADHUBANI

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1. Md. Yusuf, son of Md. Ali Hassan, resident of village - Panna, P.S. Arer, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Guriya Khatoon, D/o late Md. Sakoor, resident of village- Katai, P.S. Madhubani Town, Distt.- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Ashok Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 18-04-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Mahila (Madhubani) P.S. Case No.29 of 2012 instituted for the offence under Section(s) 498-A, 323, 506, 494 Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Notice was issued to the Opposite Party No.2, which has validly been served, but none has appeared on behalf of the Opposite Party No.2.

Petitioner is husband of the Opposite Party No.2- wife.

It has been submitted on behalf of the petitioner that earlier the informant had filed complaint case also for the same



occurrence and second case was filed before the police, wherein, the police after investigation submitted charge-sheet under Section 498-A Indian Penal Code. It has further been submitted that the informant herself has solemnized second marriage with one Mohan Ram son of Jagdish Ram and is living with him as husband and wife. The petitioner is ready to keep the Opposite Party No.2-wife.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Madhubani, within a period of six weeks from today in connection with Mahila (Madhubani) P.S. Case No.29 of 2012, along with Affidavit that he will keep the wife with full dignity and care 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 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 have been restored between husband and wife or 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 shall 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 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.

(Sanjay Priya, J)

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