

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5466 of 2017

Arising Out of PS.Case No. -1677 Year- 2016 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

1. Md. Shamshad, son of Sheikh Mansoor, resident of village- Kadwa,
P.S.- Kasba, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Bibi Bilkish Khatoon, D/o Md. Naiyar, resident of village- Sarahi, P.S.-
Dagarua, District- Purnea.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1677 of 2016 instituted for the offence under Section(s)
498-A Indian Penal Code.

Notice was issued to the Opposite Party No.2,
which has been validly served as appear from the service report
of the notice issued under ordinary process. It is mentioned in the
service report that notice has been received by the Opposite Party
No.2 personally.

Today, neither Opposite Party No.2 is present nor
any vakalatnama has been filed on her behalf.

It has been submitted on behalf of the petitioner that



he is ready to keep the wife. He has filed petition before the Principal Judge, Family Court, Purnea, for *Bidagari* of his wife.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Purnea, within a period of six weeks from today in connection with Complaint Case No.1677 of 2016, 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 on 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 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 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)

JA/-

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

