

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14470 of 2017

Arising Out of PS.Case No. -256 Year- 2016 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Garjan Choudhary, son of Sidhi Choudhary, resident of village- Chachariya,
P.S.-Dhansoin, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar &
2. Mojar Devi, d/o Birbhajan Choudhary, resident of village-Gosaisi Dera,
P.S.-Dhansoin, District- Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 17-05-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.256-C of 2016 instituted for the offence under
Section(s) 498-A Indian Penal Code and Section 4 of the Dowry
Prohibition Act.

It has been submitted on behalf of the petitioner that
he is always ready to keep his wife with full care and dignity.

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

In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court
below i.e. Sub-Divisional Judicial Magistrate, Buxar, within a



period of four weeks from today in connection with Complaint Case No.256-C of 2016, either with wife herself or 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, if wife does not appear on the date of surrender with petitioner, 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 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 either with wife or 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.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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