

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5993 of 2017

Arising Out of PS.Case No. -710 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Manoj Kumar, son of Rajdeo Mahto, resident of village-Chailahan
(Malahi Tola), P.S.- Banjariya, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Phulkanti Devi, W/o Manoj Kumar, at Present resident of village-
Loknathpur (Pathak Tola) P.S.- Turkouliya, District- East Champaran
Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party No.1: Mr. Bharat Lal, APP

For the Opposite Party No.2: Mr. Pramod Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 18-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Turkouliya
P.S. Case No.710 of 2015 instituted for the offence under
Section(s) 498-A, 323, 504, 379, 494/34 Indian Penal Code and
Section 34 of the Dowry Prohibition Act.

There is allegation against this petitioner in the
Complaint Petition that he has performed second marriage with
Parmila Kumari, daughter of Mohan Mahto, resident of village-
Suswa, P.S.-Sugauli, District- East Champaran, on 04.06.2015 in
Areraj temple.

This fact has been denied by the petitioner in



paragraph 12 of the bail petition. The petitioner is ready to keep the wife-Opposite Party No.2. None appeared on behalf of Opposite Party No.2.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, East Champaran, Motihari, within a period of four weeks from today in connection with Turkauliya P.S. Case No.710 of 2015 along with affidavit that he has not performed second marriage and in that event the Court below will enlarge the petitioner on provisional bail to its own satisfaction for a period of six months and will verify the fact about performing second marriage by the petitioner from the concerned Police Station and will thereafter issue notice to the wife-Opposite Party No.2. In the event the Court below finds that the allegation against the petitioner of performing second marriage with the aforesaid girl is correct the Court below will cancel the provisional bail of the petitioner.

In the event allegation of second marriage does not found to be correct, the learned court below 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 along with affidavit, as ordered above, or during the period of monitoring, the wife on her appearance 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 stands disposed off.

(Sanjay Priya, J)

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