

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9613 of 2017

Arising Out of PS.Case No. -1463 Year- 2015 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Dinesh Prasad, son of Jagarnath Prasad, resident of Ward No.13, Nagar Panchayat, Near Pnchanath Mandir Jhanjharpur Bazzar, P.S.- Jhanjharpur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rupa Kumari, Wife of Dinesh Prasad, D/o Ganesh Bhagat, at present resident of Village- Sripur, Bahadurpur, P.S.- Ashok Paper Mill, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Lal Das

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 1463 of 2015 instituted for the offence under Sections-498(A), 323 of the Indian Penal Code.

The petitioner is husband. The notice was issued to opposite party No. 2 which was validly served but none appeared on behalf of opposite party No. 2.

The petitioner is ready to keep the informant (his wife) with full honour and dignity.

In such circumstances, this application is disposed of with direction to petitioner to surrender before the court below i.e.



Mr. Shamim Raja, learned Judicial Magistrate-Ist Class, Darbhanga within a period of four weeks from today in connection with Complaint Case No. 1463 of 2015 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 honour and dignity, the court below will release the petitioner on provisional anticipatory 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 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 the petitioner 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 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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