

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10687 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

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Deepak Kumar Singh @ Deepak Kumar @ Dabloo

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-03-2017 Heard learned counsel for the petitioner and the State
as well as counsel for the Opposite Party No2.

The petitioner apprehends his arrest in Naugachia
Mahila P.S. Case No. 37 of 2016, G.R. No. 1025 of 2016
instituted for the offence under section 498A/34 of the Indian
Penal Code.

The O.P. No.2 has appeared through lawyer.

It has been submitted on behalf of this petitioner that
he is always ready to keep his wife.

Counsel for O.P. No.2 has submitted that the wife is
not ready to live with the petitioner since there is specific
allegation against this petitioner.

In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court



below i.e. Sub-Divisional Judicial Magistrate, Naugachia, Bhagalpur, within a period of four weeks from today in connection with Naugachia Mahila P.S. Case No. 37 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, 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.

With the aforesaid observation, this application is disposed off.

(Sanjay Priya, J)

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