

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13883 of 2017

Arising Out of PS.Case No. -1524 Year- 2014 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

=====

Rajesh Kumar Raut @ Rajesh Raut, Son of Ramjeet Raut, Resident of
Village - Madhubani Gola Tola, P.S. Dhanaha, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mohani Devi Wife of Rajesh Kumar Raut, D/O Vijay Kumar Raut
Resident of Village-Madhubani, Gola Tola, P.S.-Dhanaha, District-West
Champaran At Present Mohalla-Jagjivan Nagar, P.S.Bettiah Nagar,
District-West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate.
For the Opposite Party/s : Md. Fahimuddin, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case
No. 1524(C) of 2014, Trial No. 1032 of 2016 instituted for the offence
under Sections 498(A) and 406 of the Indian Penal Code.

Petitioner is husband of the informant.

It has been submitted on behalf of the petitioner that he is
ready to keep the opposite party No. 2 (wife).

Notice was issued to the opposite party No. 2 which is
validly served but none appears on her behalf.

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



four weeks from today in connection with Complaint Case No.1524(c) of 2014, Tr. No. 1032 of 2016 along with Affidavit that he will keep the wife with full dignity and in that event the Court below will release the petitioner on provisional bail to its own satisfaction for a period of nine 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 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 will confirm the provisional bail of the petitioner after nine months.

It is made clear that in the event the petitioner does not surrender along with Affidavit, as ordered above, in the court below within four weeks or the wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner or the opposite party No. 2 (wife) appears in the court below after issuance of notice, but husband refuses 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)

S.Ali/-

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

