

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16113 of 2017

Arising Out of PS.Case No. -79 Year- 2016 Thana -MAHILA P.S. District- MADHEPURA

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Ranjeet Kumar, son of Late Jagdish Yadav, resident of village - Deenapatti,
Police Station and District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Soni Devi, Daughter of Jay Prakash Yadav, resident of village -
Rampur, Police Station - Murliganj, District - Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar, Advocate.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 29-06-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Madhepura
Mahila P.S. Case No. 79 of 2016 instituted for the offence under
Sections 498A, 494, 341, 323/34 of the Indian Penal Code and
Sections 3/4 of Dowry Prohibition Act.

Petitioner is husband of the informant (opposite party
No. 2). Notice was issued which was validly served to the
informant (opposite party No. 2) but opposite party No. 2 did not
appear.

Counsel for the petitioner has submitted that he is
ready to keep the informant (opposite party No. 2) with all dignity
and care.



Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Madhepura, within a period of four weeks from today in connection with Madhepura Mahila P.S. Case No. 79 of 2016, along with Affidavit that he will keep the wife with full dignity and care. In the event the Court below finds that petitioner is ready to keep his 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 informant (wife) and on appearance of wife, will monitor the relationship between the parties by calling both of them every months in the court below 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 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 valid 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 the petitioner refuses to keep the wife on her appearance in court below or wife during the period of monitoring 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.

Application is disposed off with aforesaid observations.

(Sanjay Priya, J)

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