

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45431 of 2016

Arising Out of PS.Case No. -476 Year- 2015 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Munna @ Arman, son of Nizam @ Sarfuddin, resident of village- ITI Ke
Pass Tar Bangl Dehri, P.S.-Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Naiyara Khatoon, w/o Munna @ Arman, resident of village- ITI Ke
Pass Tar Bangl Dehri, P.S.-Dehri, District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamla Kant Pandey, Advocate
For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP
Mr. Bacchan Jee Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

9/ 29-06-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint
Case No.476 of 2015 instituted for the offence under Section(s)
498-A, 323, 379 Indian Penal Code.

Husband and wife have appeared in Chambers
today. Both have come together. Wife has stated that she has
been tortured by her husband and her three year's old son has
been kept in her *Sasural*.

The Court wanted the wife-Opposite Party No.2 to
go with the husband-petitioner for a further period of one month,
but she is not ready to go with her husband. She has stated that



she apprehends danger to her life. Mother of the Opposite Party No.2 is also present.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Chief Judicial Magistrate, Aurangabad, within a period of six weeks from today in connection with Complaint Case No.476 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 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 the wife-Opposite Party No.2 and on appearance of Opposite Party No.2, if she becomes ready to go to her Sasural, the Court below 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 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 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 and the Court below is satisfied by such statement 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 is, accordingly, disposed off.

(Sanjay Priya, J)

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