

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31690 of 2017

Arising Out of PS.Case No. -149 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Gurudeo Pandit, S/o Shravan Pandit, resident of village- Baghara
Mohanpur, P.S.- Patory, Distt- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Seema Devi @ Sindhu Devi, D/o Vishwanath Pandit, Village- Mirjapur,
P.S.- Patory, Distt- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP
Ms. Rashmi Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 05-09-2017

Heard learned counsel for the petitioner and learned

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

Petitioner apprehends his arrest in Complaint Case
No.149 of 2016 instituted for the offence under Section(s) 498-A
Indian Penal Code and Section 34 of the Dowry Prohibition Act.

Petitioner is husband of the Opposite Party No.2-
wife. It has been submitted that he is ready to keep the wife-
Opposite Party No.2 with full dignity and care.

Counsel for the Opposite Party No.2 submits that
she is also ready to live with the petitioner provided he keeps her
and children with dignity and care.

In such circumstances, this application is disposed



off with direction to petitioner to surrender before the Court below i.e. **Chief Judicial Magistrate, Samastipur**, within a period of four weeks from today in connection with **Complaint Case No.149 of 2016**, along with Affidavit that he will keep the wife and children with full dignity and care and in the event the Court below finds that petitioner is ready to keep the wife and children with full dignity and care, 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, in the event Opposite Party No.2 becomes ready to go with the petitioner-husband, then 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 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 nine 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 to which the Court below is satisfied 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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