

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45798 of 2017

Arising Out of PS.Case No. -19 Year- 2016 Thana -MAHILA P.S. District- PATNA

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Rakesh Kumar @ Aditya Raj, Son of Sri Dilip Rai, R/o Village- Pipra, P.S.-
Ram Krishna Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Mahila P.S.

Case No. 19 of 2016 instituted for the offence under Sections
498A, 323, 504, 34 of the Indian Penal Code and Section 3/4 of
Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep his wife with full honour and
dignity.

Accordingly, this application is disposed off with
direction to petitioner to surrender before the Court below i.e.
court of Smt. Suchitra Singh, Judicial Magistrate, 1st Class, Patna,
within a period of six weeks from today in connection with
Mahila P.S. Case No. 19 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 if she becomes ready to go with her husband, the court below will monitor the relationship between the parties by calling both of them every month 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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