

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41871 of 2017

Arising Out of PS.Case No. -151 Year- 2017 Thana -AGAMKUAN District- PATNA

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Pankaj Mahanti, Son of Anath Bndhu Mahanti, R/o Mohalla- Bara Bazar, P.S.- Bara Bazar, District- Puruliya (West Bengal), At present E-602, Silver Crown Apartment Harlu Raod Kudlu Cambridge International School, -P.S. SHR Layout, Distt. Bangalor- 560062.

.... Petitioner/s

Versus

1. The State of Bihar
2. Santoshi Kumari, daughter of Harinarayan Singh, wife of Pankaj Mohanti, resident of Mohalla Bahadurpur Byepass Road, P.S. Agamkuan, Distt. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Yadav, Advocate.

For the Opposite Party/s : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Agam Kuan P.S. Case No. 151 of 2017** instituted for the offence under Sections 498(A), 341, 342, 323/34 of the Indian Penal Code and Sections 3 and 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.

Notices were issued to the opposite party No. 2. She has filed Vakalatnama through her lawyer but none appears on behalf of the opposite party No. 2.



In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. learned Additional Chief Judicial Magistrate, Patna City, within a period of four weeks from the date of receipt of this order in connection with Agam Kuan P.S. Case No. 151 of 2017, 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 and the court become satisfied with such statement, 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 direction.

(Sanjay Priya, J)

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