

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5003 of 2017

Arising Out of PS.Case No. -44 Year- 2015 Thana -KHUTAUNA District- MADHUBANI

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1. Md. Israil, S/o Md. Nathuni, resident of village-Kusmar, P.S.-
Khutauna, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar,
2. Johara Khatoon @ Juhara Khatoon, w/o Md. Israfil, resident of village-
Kusmar, P.S.- Khutauna, District- Madhubani at present Johara Khatoon
@ Juhara Khatoon, D/o Md. Muslim, resident of village- Vishanpur,
P.S.- Laukaha, District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh, APP
Mr. Sanjay Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 29-03-2017

Heard learned counsel for the Petitioner and the

State as well as counsel for the informant.

The Petitioner apprehends his arrest in Khutauna
P.S. Case No.44 of 2015 instituted for the offence under
Section(s) 323, 498-A, 379, 504/34 Indian Penal Code and
Section 3/4 of the Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that
he is ready to keep the wife.

Counsel for the Opposite Party No.2 also submits
that she is ready to live with petitioner.

In such circumstances, this application is disposed
off with direction to petitioner to surrender before the Court



below i.e. Judicial Magistrate, Jhanjharpur, Madhubani, within a period of six weeks from today in connection with Khutauna P.S. Case No.44 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 on 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, will try to reconcile the matter and 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 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 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 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 stands disposed off.

(Sanjay Priya, J)

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