

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5673 of 2017

Arising Out of PS.Case No. -212 Year- 2016 Thana -ATRI District- GAYA

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1. Sanjay Chaudhary Son of Jagdish Chaudhary Resident of Village-Jethian
tola Sydeper, P.S. Atri District-gaya

.... Petitioner/s

Versus

1. The State of Bihar

2. Soni Kumari Wife of Sanjay Chaudhary, Daughter of Ram Kishor
Chaudhary Resident of Village-Sahara P.S. Atri District-Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s : Mr. Sri Gopesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 20-04-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Atri P.S. Case No. 212 of
2016 instituted for the offence under Sections-498(A), 341, 323,
354(ii), 504, 506/34 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

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

Counsel for opposite party No. 2 has appeared. He has
submitted that the wife is ready to live with the husband.

In such circumstances, the petitioner will file an
affidavit in the court below i.e. learned Chief Judicial Magistrate,
Gaya that he will keep the wife with full dignity and care and he
will take his wife after his release from custody and in that event,
the court below will release the petitioner on provisional bail for



one year on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Atri P.S. Case No. 212 of 2016 . Both the bailors will be close relatives of the petitioner.

After release, the petitioner will take his wife with him within one month of his release and thereafter, they will appear in the court below every two months and the court below will monitor the relationship between the parties and in the event, the court below finds that both are living happily and there is no complain by the wife about physical and mental torture committed by the petitioner or court below finds that good conjugal relationship could not be restored on account of indifferent attitude of wife, the court below shall confirm the provisional bail of the petitioner after one year.

It is made clear that in the event the petitioner does not take his wife within one month from the date of his release or during the period of monitoring the relationship by the court below, the wife makes complain about mental and physical torture, the court below shall pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner.

(Sanjay Priya, J)

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