

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4568 of 2017

Arising Out of PS.Case No. -198 Year- 2015 Thana -FORBESGANJ District- ARRARIA

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1. Md. Farooque, S/o - Md. Sainul, resident of village-Madarganj, P.S.-
Simraha, District-Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate

For the Opposite Party/s : Mr. Smt. Asha Devi, APP

Mr. Ramesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-03-2017

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The Petitioner seeks bail in Forbesganj P.S. Case No.198 of 2015 instituted for the offence under Section(s) 341, 323, 379, 504, 498-A Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that he will keep the wife with full dignity and care and, hence, provisional bail be granted to him and the lower court be directed to monitor the relationship between the parties.

The wife has stated that the petitioner has performed second marriage. He does not keep her with full dignity and care.

In the facts and circumstances of the case, let the Petitioner, above named, be released on provisional bail for a



period of nine months to be calculated from the date of his release on furnishing bail bond of ₹10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Ashish Ranjan, Judicial Magistrate, 1st class, Araria, in connection with Forbesganj (Simraha) P.S. Case No.198 of 2015.

After release of the petitioner from custody, both husband and wife will appear before the Court below on 20.03.2017 and the husband will take his wife with him from the Court below itself and both parties will live together. 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 or Court below finds that good conjugal relationship could not be restored on account of indifferent attitude of wife without any reasonable cause or the wife does not make any complain during the period of monitoring about the physical and mental torture committed by the petitioner, 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 take the wife with him within the period ordered above after his release on provisional bail, on appearance of the wife in the



Court, provisional bail granted to the petitioner will be liable to be cancelled. In the event the wife goes with petitioner after his release and during the period of monitoring the wife 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 cancelling the provisional bail of the petitioner without taking into consideration the observations made above by this Court.

(Sanjay Priya, J)

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