

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4416 of 2017

Arising Out of PS.Case No. -1381C Year- 2014 Thana -COMPLAINT CASE District- SUPAUL

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Ghanshyam Choudhary, S/o late Deo Narayan Choudhary, Resident of
Village-Fulkahi, P.S. Raghapur, District-Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Gaitri Devi, W/o-Ghanshyam Choudhary, D/o-Narayan Choudhary,
Resident of Village-Dhariya, P.S.-Kishanpur, District-Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-03-2017 Both husband and wife are present in Chambers along
with their respective counsels.

The husband has admitted that he has performed 2nd
marriage with the informant (wife).

It has been submitted on behalf of the petitioner that the
marriage of the petitioner with the informant was performed after
giving information to his first wife.

The informant along with her mother is present in
Chambers. The informant has stated that she has two daughters from
the marriage with this petitioner, The petitioner has offered the
informant to take her with him to Delhi where he is at present living
with his first wife, the daughter from the first wife as well as his son-in-
law, but neither the informant (wife) is ready to go with her husband



nor the mother is ready to send her daughter to Delhi. The informant has stated that she wants to live in the village home of the petitioner with her two daughters. The mother has also stated similar version. The petitioner is ready to keep the informant in his village home. He has stated that he will come in 2-3 months from Delhi because he is suffering from heart disease and his treatment is going on. He has stated that he will take care of his wife and both the children while they will be living in the village home.

In view of such, the petitioner with consent of the wife and mother-in-law, who are present in Court, will take the wife (informant) and the minor children in his village house and will keep them happily. He will also take proper care of the wife and both daughters. The petitioner will not commit any physical and mental torture with the wife and he will take proper care of her health and education as well as of the children etc.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Judicial Magistrate, Supaul, within a period of four weeks from today in connection with Complaint Case No.1381-C of 2014, along with wife and Affidavit that he will keep the wife with full dignity and care in his village house 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 to its own satisfaction for a period of one year and will monitor the relationship between the parties



by calling both of them every three months 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 the 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, 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 surrender in the Court below along with wife and Affidavit, as ordered above, or the petitioner refuses to keep the wife at his village house along with their children, or the 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.

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(Sanjay Priya, J)

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