

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3309 of 2017

Arising Out of PS.Case No. -271 Year- 2015 Thana -CHANDAUTI District- GAYA

- =====
1. Chandan Patel, son of Buchi Ram @ Buchi Rai, resident of Mohalla-College Chak, Police Station- Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. Rina Devi, wife of Chandan Patel, d/o Ganpat Roy, resident of village-Sherpur, P.S.-Chandauli, District-Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 17-03-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Chandauti P.S. Case No.271 of 2015 instituted for the offence under Section(s) 498-A Indian Penal Code and Section 34 of the Dowry Prohibition Act.

The petitioner is husband. Allegation against him is of torturing the wife.

Notice was sent to the wife-Opposite Party No.2, which was duly served upon her, but she has not appeared as yet.

It has been submitted that the petitioner-husband is ready to keep the wife.



In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Gaya, within a period of four weeks from today in connection with Chandauti P.S. Case No.271 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 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, 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, 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.

(Sanjay Priya, J)

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