

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10056 of 2017

Arising Out of PS.Case No. -1684 Year- 2015 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Md. Jamal Akhtar @ Md. Akhtar Jamal

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 16-03-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case No. 1684/2015 instituted for the offence under sections 498A, 406/34 of the Indian Penal Code.

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

Counsel for the O.P. No. 2 has submitted that the wife is also ready to live with the husband.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Additional Chief Judicial Magistrate, Samastipur, on 03.04.2017 in connection with Complaint Case No.1684 of 2015 along with wife and 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 to its own satisfaction for a period of six months 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 will 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 wife and 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.

It is further made clear that the Opposite Party No.2-wife will accompany the petitioner in the Court below on the date of surrender. In the event the wife does not accompany the petitioner on the date of surrender in the court below without justified reason the court below will enlarge the petitioner on provisional bail and will issue notice to the informant.

(Sanjay Priya, J)

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