

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7924 of 2017

Arising Out of Complaint Case No. 114C Year- 2016 Thana -KHAGARIA COMPALINT CASE
District- KHAGARIA

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Vidyanand Poddar @ Vidyanand Kumar Poddar, Son of Shri Hira Lal Poddar, Resident of Village - Meghauna, P.S. - Alauli, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Barsha Kumari, Wife of Vidyanand Kumar Poddar, D/o Ranjeet Poddar resident of village - Rahimpur, P.S. - Muffasil, District - Khagaria at present Hospital Road infront of Red Cross, Lhagaria, P.S. - Chitragupta Nagar, District - Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate.
For the Opposite Party/s : Mr. Ajay Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-04-2017 Both husband and wife are present in Chambers along with her minor daughter.

Opposite party No. 2 (wife) and her mother have stated that if petitioner is ready to keep opposite party No. 2 (wife) properly, then she is ready to live with her husband. Petitioner (husband) has stated that he will keep his wife along with her minor daughter with all care and responsibility. He at present is living in Delhi.

In such circumstances, petitioner is directed to visit his Sasural on 14.4.2017 and he will take his wife along with his minor daughter with him as per mutual consent with each other



and, thereafter he will surrender in the court below on 17.04.2017.

During stay of the petitioner in his sasural, the wife and her parents will not commit any torture or misbehave with the petitioner.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, Khagaria, on 17.04.2017 along with his wife and minor daughter in connection with Complaint Case No. 114C of 2016, with an undertaking that they will live together happily with full dignity and care and will not misbehave with each other and in that event the court below will release petitioner on provisional anticipatory bail to its own satisfaction for a period of six months and shall monitor the relationship between husband and wife by calling both of them in every two months in the Court and in the event the Court below finds that good conjugal relationship has 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 make any complaint of misbehaving with her during her stay with the petitioner, 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 wife and undertaking, as ordered above, or the petitioner refuses to keep the wife 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)

