

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48940 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

=====

1. Mukesh Kumar, son of Shri Nand Kishore Yadav, resident of Village-
Rajganj, P.O. + P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Manisha Kumari, wife of Mukesh Kumar, resident of Village- Rajganj,
P.O. + P.S.- Bihariganj, District- Madhepura, presently daughter of Sri
Vijendra Yadav, resident of Madhepura Ward No.2, Anand Bihar
Muhalla, P.S. + District- Madhepura.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party No.1: Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party No.2: Mr. Dhananjay Kumar Gupta, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 01-05-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.111 of 2016 instituted for the offence under Section(s)
498-A Indian Penal Code.

Both husband and wife are present in Chambers.
Mother of the Opposite Party No.2 and father of the petitioner are
also present in Chambers.

Husband is ready to keep the wife-Opposite Party
No.2 and the minor child with all dignity and care, but the wife-
Opposite Party No.2 and her mother are not ready for the same.



They have stated that wife (Opposite Party No.2) will not live with the petitioner as he has tortured the wife.

After talking with the wife, it appears that she wants one time settlement from the husband and does not want to live with him. The husband has, however, stated that he is ready to keep the wife and the child with all dignity and will bear all the expenses of the wife and child.

The matter was earlier sent to Mediation & Conciliation Centre, but the dispute between the parties could not be resolved through the process of mediation.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub-Divisional Judicial Magistrate, Madhepura, within a period of four weeks from today in connection with Complaint Case No.111 of 2016, along with Affidavit that he will keep the wife and child with full dignity and care and in the event the Court below finds that petitioner is ready to keep the wife and child 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 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 or 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 Affidavit, as ordered above, or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner or on appearance of wife the petitioner does not become ready to take her with him, 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 if both the parties are not ready to live together, the Court below will try for one time settlement provided both sides agree on the terms and conditions of one time settlement.



The application stands disposed off.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

