

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55242 of 2016

Arising Out of PS.Case No. -980 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Shankar Thakur, son of Naresh Thakur, resident of Village- Hariharpur,
P.S. - Rautara, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shila Devi, Wife of Shankar Thakur, daughter of Mahendra Thakur,
resident of village- Laxmipur, P.S.- Barari, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate.

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 03-04-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in C.A. Case No.

980 of 2015 instituted for the offence under Section 498A of the

Indian Penal Code.

It has been submitted on behalf of the petitioner that the marriage has been performed with opposite party No. 2 about ten years back. The petitioner is always ready to keep the wife with full honour and dignity. He has filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Principal Judge, Family Court, Katihar, which is still pending.

In the instant case notices were sent to the opposite party No. 2, but in spite of valid service of notice, opposite party



No. 2 did not appear before this Court.

Accordingly, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, Katihar, within a period of four weeks from today in connection with C.A. Case No. 980 of 2015, along with Affidavit that he is willing to keep the wife with full dignity and care and in that event the court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six months and will issue notice to opposite party No. 2 and shall monitor the relationship between parties by calling both of them every month 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 appear even after service of notice on her, 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 the petitioner refuses to keep the wife on her appearance 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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