

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9600 of 2017

Arising Out of PS.Case No. -2065 Year- 2014 Thana -GAYA COMPLAINT CASE District- GAYA
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Sanoj Prajapat, son of Nageshwar Prajapat, resident of village- Vijay Nagar,
P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Tetari Devi, D/o- Charitar Prajapat, W/o Sanoj Prajapat, resident of village- Vijay Nagar, P.S.- Fatehpur, District- Gaya, at present resident of Village- Temariya, P.S.- Fatehpur, District- Gaya.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

Mr. Sunil Kumar Yadav, Advocate
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 05-05-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Complaint Case No.2065 of 2014 instituted for the offence under Section(s) 323, 498-A Indian Penal Code.

It has been submitted on behalf of the petitioner that he is ready to keep the Opposite Party No.2-wife. It has also been submitted that he has filed a case earlier under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and thereafter instant case has been filed against them.

Opposite Party No.2 has appeared through counsel. It has been submitted on her behalf that she is ready to live with



the petitioner-husband.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. ACJM, III, Gaya, within a period of four weeks from today in connection with Complaint Case No.2065 of 2014, along with Affidavit that he will keep the wife and daughter with full dignity and care and in the event the Court below finds that petitioner is ready to keep the wife and daughter with full dignity and care, the court below will release the petitioner on provisional bail to its own satisfaction for a period of nine 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 shall confirm the provisional bail of the petitioner after nine 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 and the Court below is satisfied by such allegation 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.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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