

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13072 of 2017

Arising Out of PS.Case No. -513 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Md. Gulam Nabi Alam @ Gulam Nabi, Son of Late Ramhan Sain,
Resident of Village- Baramatpur, P.S. Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nazmin Khatoon, W/o Md. Gulam Nabi Alam, D/o Md. Jehangir Alam,
At present R/o Mo- Menhandi Hasan Chowk, P.S:- Brahmapure,
District:- Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate.

For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

Md. Anjum Akhtar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-05-2017 Heard learned counsel for the petitioner and the learned
APP for the State as well as counsel for the Opposite Party No.2.

The Petitioner apprehends his arrest in Complaint Case
No. 513 of 2016, Trial No. 4269 of 2016 instituted for the offence
under Section 498(A) of the Indian Penal Code and Sections 3/4 of
Dowry Prohibition Act.

Both husband and wife are present in Chambers along
with their respective counsels. Father of opposite party No. 2 (wife)
along with two minor children of the opposite party No. 2 is also
present.

The opposite party No. 2 (wife) has stated that she wants
to live with her husband along with her two minor children. Petitioner



has also stated that he is ready to keep his wife with full honour and care.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sub Divisional Judicial Magistrate (West), Muzaffarpur, within a period of four weeks from today in connection with Complaint Case No.513 of 2016, Tr. No. 4269 of 2016 along with wife and Affidavit that he will keep the wife and children with full dignity and care or in the event the petitioner surrenders without his wife and satisfies the Court below that in spite of his persuasion, Opposite Party No.2 has not come along with him in the Court, 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 along with his wife and Affidavit, as ordered above, in the court below within four weeks or the wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner without any *bona fide* reason, 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 father of the opposite party No. 2 (wife) is directed that when the husband will go to take her wife to his house, they will not misbehave with him and will take proper care of him and will allow the wife to live with him along with the two minor children.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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