

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13973 of 2017

Arising Out of PS.Case No. -1616 Year- 2015 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Ajay Kumar Sah Son of Dinesh Sah, Resident of Village- Hardiya, Post
Office- Chilmil, Police Station- Muffasil, Begusarai, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Puja Kumari, Daughter of Sri Ramdas Sah, Resident of Village- Baro
Gachhi Tola, P.O.- Baro, P.S.- Phulwaria, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha
For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-05-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case
No. 1616 of 2015 initiated for the offence under Sections-323,
379,498A of the Indian Penal Code and ¾ of Dowry Prohibition
Act.

The petitioner is husband.

It has been submitted that petitioner is ready to keep his
wife. It has further been submitted that the petitioner has filed a
petition u/S 9 of Hindu Marriage Act before the Family Court,
Begusarai and in that case also, the wife has not appeared.

It has been submitted by opposite party No. 2 that wife
is also ready to live with her husband.



In such circumstances, this application is disposed of with direction to petitioner to surrender before the court below i.e. learned Sub Divisional Judicial Magistrate, Begusarai within a period of four weeks from today in connection with Complaint Case No. 1616 of 2015 along with affidavit that he will keep the wife with full dignity and care and in the event, the court below finds that petitioner is ready to keep the wife with full honour and care, the court below will release the petitioner on provisional anticipatory bail on 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 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, 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 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.

(Sanjay Priya, J)

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