

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16099 of 2017

Arising Out of PS.Case No. -1615 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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1. Sanjeev Kumar, Son of Surya Narayan Prasad,
2. Nagina Devi, Wife of Surya Narayan Prasad,
Both Resident of Village- Banswari, P.S.- Singhwara, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rinku Kumari, W/o Sanjeev Kumar, Resident of Village- Banswari,
P.S.- Singhwara, District- Darbhanga, at present , D/o Raja Ram Mahto,
resident of Village- Kothiya, P.O-Jajuar, P.S.- Katra, District-
Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate.
For the Opposite Party/s : Mr. Ram Bilash Roy 'Raman', A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-05-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Muzaffarpur
Complaint Case No. 1615 of 2013 instituted for the offence under
Section 498(A) of the Indian Penal Code.

It has been submitted that petitioner always wants to keep
the wife (opposite party No. 2). He has filed a petition under Section 9
of the Hindu Marriage Act, before the Principal Judge, Family Court,
Darbhanga, for restitution of conjugal rights. In that case also, the wife
(opposite party No. 2) did not appear. It has further been submitted that
wife does not want to live with this petitioner and she has performed
another marriage.

Petitioner No. 2 is mother-in-law of the informant. There
is general and omnibus allegation against petitioner No. 2.



Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner No. 2, Nagina Devi, is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with Complaint Case No. 1615 of 2013, Trial No. 1831 of 2016 she shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, East, Muzaffarpur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

So far petitioner No. 1 who is the husband of the complainant, this application is disposed off with direction to petitioner No. 1 to surrender before the Court below i.e. Sub Divisional Judicial Magistrate, East, Muzaffarpur, within a period of four weeks from today in connection with Complaint Case No.1615 of 2013, Tr. No. 1831 of 2016, along with Affidavit that he will keep the wife with full dignity and care, the court below will release the petitioner No. 1 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 No. 1 after six months.

It is made clear that in the event the petitioner No. 1 does not surrender along with 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 application is, accordingly, disposed off.

(Sanjay Priya, J)

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