

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3083 of 2017

Arising Out of PS.Case No. -243 Year- 2016 Thana -RAMPUR District- GAYA

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1. Sanjay Kumar, Son of Mohan Prasad, Resident of Mohalla - Shastri
Nagar, Road No. 3 B Near - Dariyapur, P.S. Rampur, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

6 15-05-2017 Both husband and wife are present with their

respective counsels in court.

The wife has stated that she is ready to live with her
husband, provided her husband will keep her properly. The
husband is also ready to keep his wife, provided she gives an
undertaking that she will live with him peacefully.

Both parties have agreed that they will go together on
25-05-2017 to live with each others.

In such circumstances, this anticipatory bail petition is
disposed off with direction to the petitioner to appear in the court
of learned Chief Judicial Magistrate, Gaya/concerned court along
with his wife on 25-05-2017 and both husband and wife will file
bond in the court below that they will live together peacefully and
they will not commit any physical and mental torture with each
others. Both will give separate bond in the court below and the
court below on being satisfied that they want to live together



peacefully, the court below will grant provisional anticipatory bail to the petitioner in connection with Rampur P.S. Case No. 243 of 2016 for the period of six months 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, 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 wife and 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.

Counsel for opposite party No. 2 has submitted that it will be better, if, the husband keeps her separate in the house so



that there would be no interference of the parents. On the contrary, learned counsel for the petitioner has submitted that it will not be possible to leave the parents because both of them are old and are suffering from different ailments. This issue may be raised in the court below and the court below will look into it and pass appropriate order after discussing with both the husband and wife to its own satisfaction to the possibility of husband, keeping the wife separately.

It is made clear that during stay of husband and wife it is expected that parents of both sides will not interfere in their personal life unnecessarily.

(Sanjay Priya, J)

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