

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8202 of 2017

Arising Out of PS.Case No. -115 Year- 2016 Thana -SALIMPUR District- PATNA

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1. Kush Kumar Singh, son of Late Binod Singh, resident of Village-
Rukunpura, P.S.- Salimpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punam Devi, wife of Kush Kumar Singh, resident of Village Rukunpura,
P.S.- Salimpur, District- Patna, Present Address Punam Devi, D/o Ravindra
Singh, Residing at Village Sadikpur, PO Shahri, P.S.- Barh, District- Patna,
Pin- 803214.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 16-05-2017 In the instant case, on the last date, the husband has

filed undertaking before the Registrar General of this court stating

that he will keep his wife (opposite party No. 2) and both the

minor daughters with him with all dignity, social prestige and

care.

Today both husband and wife have come together. The

wife has stated that she is living in the house of her husband. She

took her along with her two minor children. She has stated that for

the last one month, she has been kept properly by the petitioner

and he has not done any untoward incident. The husband has

stated this court that he will continue to keep the wife and both



minor children with all care and dignity.

In such circumstances, this application is disposed of with direction to petitioner to surrender before the court below i.e. Sri D. Kumar, learned Sub Judge-II-cum-Additional Chief Judicial Magistrate/concerned court, Barh, Patna within a period of four weeks from today in connection with Salimpur P.S. Case No. 115 of 2016 along with his wife and children and will file an affidavit that he will keep the wife and two minor children with full respect and dignity and in that event, the court below will release the petitioner on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sorties of the like amount each to its own satisfaction for a period of nine 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 either with her or with her minor children, 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 wife and the affidavit, as



ordered above, or during the period of monitoring, the wife makes complain about physical and mental torture committed by the petitioner to the wife or her minor children, 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 wife will also file necessary affidavit in the court below that she will live in the house of petitioner and take proper care of her husband and his family members.

The wife has stated that her husband is maintaining his individual account in the bank but the petitioner has submitted that the account is joint.

In such circumstances, the petitioner will also file the zerox copy of the passbook in the court below along with the affidavit at the time of surrender in the court below.

This petition is accordingly, disposed off.

(Sanjay Priya, J)

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