

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1609 of 2017

Arising Out of PS.Case No. -230 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Jitendra Yadav, S/o Ram Lala Yadav @ Lala Yadav, resident of Village -
Bahoranpur, Police Station - Shahpur, District - Bhojpur Ara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Munni Devi, D/o Daya Shankar Yadav, resident of Village - Barisawan,
Police Station - Shahpur, District - Bhojpur Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-03-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Shahpur P.S.

Case No. 230 of 2016 instituted for the offence under sections
498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act.

Learned counsel for the petitioner submits that he is

always ready to keep his wife with full dignity and honour.

Notice was issued to O.P. No.2 but she did not

appear. Counsel for the State is present.

Considering the aforesaid facts and circumstances of the

case, the petitioner is directed to surrender before the court below



and make prayer for regular bail along with an affidavit in connection with Shahpur P.S. Case No. 230 of 2016 that he will keep his wife with full honour and dignity and in that event, the court below will enlarge the petitioner on provisional bail for a period of six months and issue notice to the complainant and try to reconcile the matter between the parties by calling them in court every month. If the court below succeeds in restoring conjugal relationship between husband and wife or the conjugal rights could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner shall be confirmed.

It is made clear that in the even the court below finds that wife makes complaint against the husband of committing mental and physical torture with her during period of reconciliation or the court is satisfied that the husband is not keeping her properly and also that after appearance in the court, the wife is ready to go with her husband but the husband is not ready to take her, the court below will be at liberty to pass appropriate order in accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner without taking into consideration the aforesaid observation of this Court.



With aforesaid observations, the application is disposed off.

(Sanjay Priya, J)

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