

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18135 of 2017

Arising Out of PS.Case No. -178 Year- 2016 Thana -MARHAURA District- SARAN

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1. Baliram Sah, S/o Amarnath Sah, resident of village-Mubarakpur, P.S.-
Marhaura, Dist.-Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi, w/o Baliram Sah, and d/o Krishna Sah, r/o village-Saidpur,
P.S.-Rahimpur, P.S.-Sonepur, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party No.1: Mr. Md. Fahimuddin, APP

For the Opposite Party No.2: Mr. Manish Chandra Gandhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 25-01-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Marhaura P.S.**

Case No.178 of 2016 instituted for the offence under Section(s)
498-A, 504, 506, 323 Indian Penal Code and Section 3/4 of the
Dowry Prohibition Act.

From the order dated 11.08.2017, it appears that
matter was sent to Mediation Centre for amicable settlement
between the parties.

It has been submitted by the counsel for the
Opposite Party No.2 that the petitioner never appeared in the
mediation.

Counsel for the petitioner has submitted that he is



ready to keep the wife-Opposite Party No.2 with full dignity and care and, therefore, once again matter may be sent to Mediation Centre.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Sub-Divisional Judicial Magistrate, Saran at Chapra**, within a period of four weeks from the date of receipt of copy of this order in connection with **Marhaura P.S. Case No.178 of 2016**, along with Affidavit that he will keep the wife with full dignity and care and in that event the Court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six months and will issue notice to the wife-Opposite Party No.2 and in the event the Opposite Party No.2 becomes ready to go and live with the petitioner, the Court below 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 will 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 Affidavit, as ordered above, or during the period of monitoring the wife makes complain about physical and mental torture committed by the petitioner to which the Court below is satisfied 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.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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