

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57470 of 2017

Arising Out of PS.Case No. -2 Year- 2016 Thana -TARAPUR District- MUNGER

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1. Rakesh Kumar, aged about 33 Years, S/o Raj Kumar Prasad, R/o Nunka Chouraha, Chandra Maharaj Ka Garh, P.O. Patna City, P.S.- Khajikala, Sub Division Patna City, District- Patna-800008,(Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Kiran Kabir, w/o Rakesh Kumar, D/o Shivnandan Das, R/o Tarapur Block Premises Quarter, P.O. & P.S. Tarapur, District- Munger, Pin-813321.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subroteswar De, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

Mr. Madan Mohan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 31-01-2018

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 **Tarapur P.S.**

Case No.02 of 2016 instituted for the offence under Section(s) 498-A/34 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Both husband and wife are present in Chambers today. Father of the girl is also present. The girl and her father have stated that they are ready to allow the wife to go and live with the petitioner from their house. The husband has agreed to visit his *Sasural* in the evening of 24th February, 2018, and will



stay in his *Sasural* in the night. Thereafter, on 25th February, 2018, he will take the wife and minor child with him to his house.

The Opposite Party No.2 and her family members will not commit physical and mental torture with the petitioner when he visits their house. They will allow the Opposite Party No.2 to go with him on 25.02.2018.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Sub-Divisional Judicial Magistrate, Munger**, within a period of two weeks from the date of receipt of copy of this order in connection with **Tarapur P.S. Case No.02 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 nine months. The petitioner after taking his wife along with minor child on 25th February, 2018, from his *Sasural* will appear in the Court below on 12.03.2018 and thereafter 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 has 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 nine months.

It is made clear that in the event the petitioner does not appear in the Court below on 12.03.2018 along with wife and minor child, 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 becomes satisfied, 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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