

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55047 of 2017

Arising Out of PS.Case No. -163 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA
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1. Arbind Chaudhary, son of Babu Chand Chaudhary, resident of village-
Sagarpur Teswar, Police Station- Mohanpur- District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Sushma Devi, wife of Arbind Chaudhary, at present residing at village
Dema, Police Station Mohanpur, District Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. S.M. Rahman, APP

Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 07-03-2018

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 **Complaint Case**
No.163 of 2016 instituted for the offence under Section(s) 498-
A/34, 379 Indian Penal Code.

Petitioner and Opposite Party No.2 are present in
Chambers. Parents of the Opposite Party No.2 are also present.
Both have agreed in Chambers to live together.

Petitioner has submitted that he will visit his *Sasural*
on 14.03.2018 and will take his wife on *Bidagri* with him on the
next day.

The girl and her parents have also agreed for the
same and have stated that they will behave properly with the



petitioner and will give proper regard and love to him (son-in-law). They will not commit any physical and mental torture with him during the period of his stay at *Sasural*. It has also been submitted that they will send the Opposite Party No.2-wife on the next day on *Bidagri*.

The petitioner husband is directed to visit his *Sasural* on 14.03.2018 and will take his wife on 15.03.2018. He will not misbehave or create any nuisance in *Sasural* when she will stay there. He will not commit any torture either physical or mental with the wife-Opposite Party No.2. In the event, there is any complain that the petitioner has committed physical or mental torture with the Opposite Party No.2, after going to live with him in *Sasural*, the Complainant will be at liberty to file appropriate application in the Court below itself for cancellation of bail of the petitioner. Wife is also directed to remain peaceful in *Sasural* and behave properly with the husband and his other family members.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Additional Chief Judicial Magistrate, Sherghati Gaya**, within a period of four weeks from today in connection with **Complaint Case No.163 of 2016**, along with valid proof of



keeping the wife with him or, if possible, along with the wife and in that event the Court below will release the petitioner on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to its own subject to the conditions as laid down under Section 438(2) Cr. P. C.

It is made clear that in the event the petitioner commits physical and mental torture with the Complainant- Opposite Party No.2 during her stay in *Sasural* and a complaint is made by her upon which Court below gets satisfied, in that event Court below will be at liberty to pass appropriate order including cancellation of bail bond of the petitioner.

The wife-Opposite Party No.2 will also behave properly with the husband and his other family members during her stay in *Sasural* for which she will give necessary undertaking and Affidavit in the Court at the time of surrender of the petitioner. The petitioner will also give necessary undertaking and affidavit in the Court at the time of surrender that he will keep the wife with full dignity and honour and will not commit physical and mental torture with her during her stay in *Sasural*.

(Sanjay Priya, J)

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