

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54773 of 2017

Arising Out of PS.Case No. -498 Year- 2016 Thana -COMPLAINT CASE District- ARRARIA

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1. Md. Dawood, Son of Md. Jalil, resident of Village- Bangama, P.S.- Araria, District- Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. Bibi Raiful Khatoon, Daughter of Md. Mohsin, Wife of Md. Dawood, resident of Village- Rampur, Kajra Tola, P.S.- Raniganj, District- Araria.

.... Opposite Parties

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Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 29-01-2018 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the O.P. No.2.

The petitioner apprehends his arrest in Complaint Case No.498© of 2016 instituted for the offences under sections 498(A), 379 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner and O.P. No.2 are present in court. Learned counsel for the O.P. No.2 submits that the O.P. No.2 is living in the house of petitioner.

Learned counsel for the petitioner submits that the petitioner is always ready to keep his wife with full dignity and respect.

Accordingly, this application is disposed off with



direction to petitioner to surrender before the court below i.e. S.D.J.M., Araria, within a period of four weeks from today, in connection with Complaint Case No.498© of 2016, along with Affidavit that he will keep his wife and all four children with full dignity and care and in the event the court below finds that petitioner is ready to keep the wife with full dignity and care, the court below will release the petitioner on provisional anticipatory bail to its own satisfaction for a period of six months and shall issue notice to wife (O.P. No.2) and on appearance of wife 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, or the wife does not appear even after service of notice, the court below shall 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 the petitioner refuses to keep the wife with their four



children when she appears or the wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner, to which learned court below gets 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.

Accordingly, this anticipatory bail petition is disposed off.

(Sanjay Priya, J)

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