

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4107 of 2017

Arising Out of PS.Case No. -889 Year- 2015 Thana -MADHEPURA COMPALINT CASE District-
MADHEPURA

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1. Panchanand Bhagat, Son of Late Mahabir Bhagat, resident of Village-
Babhangama, P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ekta Kumari @ Lakshmi Kumari, W/o Panchanand Bhagat @ D/o
Vidyanand Bhagat, at present resident of Murliganj, Ward No.09, P.S.-
Murliganj, District- Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 03-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No.
889C of 2015 instituted for the offence under Section-498A of the
Indian Penal Code.

It has been submitted on behalf of the petitioner that
the petitioner is ready to keep the wife with full dignity and
honour.

From the allegation made in the complaint, it appears
that marriage of the petitioner with the complainant was
performed in the year, 2013. Counsel for opposite party No. 2 has
submitted that wife (opposite party No. 2) is always ready to live
with the petitioner provided he keeps her with full dignity and



care.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. Sri J.K. Kashyap, learned Judicial Magistrate-Ist Class/concerned court, Madhepura, within a period of four weeks from the date of receipt of the order in connection with Complaint Case No. 889C of 2015, along with Affidavit that he will keep the wife with full dignity and care. In the event the Court below finds that petitioner is willing to keep his wife with full dignity and care, the court below will release the petitioner on provisional bail to its own satisfaction for a period of nine months and will issue notice to opposite party No. 2 and in the event wife (opposite party No. 2) appears and agrees to go with the husband, 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 or the wife does not appear even after valid service of notice, 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 surrender in the court below along with Affidavit, as ordered above, or the petitioner refuses to keep the wife on her appearance in court or wife during the period of monitoring makes complain about physical and mental torture committed by the petitioner, it will be open to the court below to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner.

(Sanjay Priya, J)

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