

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31039 of 2018

Arising Out of PS. Case No.-495 Year-2016 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Sonu Kumar Gupta @ Sonu Kumar, Son of Ramji Sah @ Ramji Prasad
Gupta, Resident of Village- Karabazar, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Puja Devi, Daughter of Ram Nath Gupta, Wife of Sonu Kumar Gupta,
Resident of Village- Karabazar, P.S.- Obra, District- Aurangabad, at present
residing at Village- Sagar, P.S.- Sasaram (Town), District- Rohtas at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Verma
For the Opposite Party/s : Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-08-2018 Heard learned counsel for the petitioner and learned APP
for the State and learned counsel for the opposite party no.2.

Petitioner apprehends his arrest in complaint case no. 495
of 2016 instituted for the offence under Section(s) 498 (A) of
the Indian Penal Code and Section 4 of D.P. Act.

Learned counsel for the petitioner has submitted that
husband is ready to live with wife along with his daughter in his
matrimonial house. He is not ready to live with the wife in the
Sasural.

The learned counsel for the opposite party no.2 has
submitted that wife-opposite party no.2 is ready to live with
husband-petitioner in the Sasural.



In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. SDJM, Rohtas at Sasaram within a period of four weeks from today in connection with complaint case no. 495 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 Opp. Party No.2 become 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 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 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 or 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 anticipatory bail of the petitioner without taking into consideration the observation made above by this Court.

The application is, accordingly, disposed off.

(Sanjay Priya, J)

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