

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26076 of 2017

Arising Out of PS.Case No. -2337 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Amarnath Das, S/o Om Prakash Das, aged about 27 years, resident of village- Sakinan, P.S.- Mahanar, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar,
2. Priyanaka Devi, W/o Amarnath Das, resident of village- Sakinan, P.S.- Mahanar, District- Vaishali, presently residing at D/o Vasudev Das, R/o Badad, P.S.- Patori, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

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

For the Opposite Party No.2: Mr. Arun Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 25-01-2018

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 **Complaint Case No.2337 of 2013** instituted for the offence under Section(s) 498-A, Indian Penal Code.

From the order dated 12.09.2017, it appears that matter was sent to Mediation Centre for amicable settlement between the parties.

It has been submitted by the counsel for the Opposite Party No.2 that the petitioner never appeared in the mediation although Opposite Party No.2 always appeared in the



mediation proceeding.

Counsel for the petitioner submits that he is ready to keep the wife-Opposite Party No.2 with full dignity and care.

Counsel for the Opposite Party No.2 submits that she is also ready to live with the petitioner if he keeps her properly.

In such circumstances, this application is disposed off with direction to petitioner to surrender before the Court below i.e. **Chief Judicial Magistrate, Samastipur**, within a period of four weeks from the date of receipt of copy of this order in connection with **Complaint Case No.2337 of 2013**, 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 Opposite Party No.2 becomes 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 have 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 and mental torture committed by the petitioner to which the Court becomes 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 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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