

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63777 of 2018

Arising Out of PS.Case No. -176 Year- 2018 Thana -MAHESI District- EASTCHAMPARAN
(MOTIHARI)

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Rakesh Kumar, son of Joyt Narayan Sahani, resident of Bakhari Nazir, P.S.
Mehsi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 12-10-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Mehsi P.S. Case No.176 of 2018** instituted for the offence under Section(s) 323, 341, 498-A/34 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

Counsel for the petitioner submits that petitioner (husband) is ready to keep the wife with full dignity and honour.

It is also mentioned in the impugned order that petitioner is ready to keep the wife, but she is living separately with her mother.

Petitioner is in custody since 05.07.2018.

In such circumstances, this application is disposed



off with direction to petitioner to file an Affidavit in the Court below that he will keep the wife with full dignity and honour and in that event, the Court below i.e. **Additional Chief Judicial Magistrate, VI, East Champaran, Motihari**, will release the petitioner on provisional bail for a period of six months in connection with **Mehsi P.S. Case No.176 of 2018**, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction.

The Court below will issue notice to the informant and her daughter (wife of the petitioner), on the date of accepting bail bond within the knowledge of petitioner fixing date for their appearance, and after appearance if wife of the petitioner becomes ready to go and live with 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.

In the event the petitioner does not take his wife on her appearance or he commits physical or mental torture with her during her stay with him, the Court below will not confirm the provisional bail of petitioner.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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