

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61068 of 2019

Arising Out of PS. Case No.-608 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Guddu Sah @ Chhaththu Sah Son of Madan Sah Resident of Village-
Farsahani, P.S. Bagaha (Patkhauli), District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Phulwanti Devi Wife of Guddu Sah, D/O Lahari Gupta Resident of Village-
Pipradhirauli, P.O.- Farsahani, P.S. Bagaha (Patkhauli), District- West
Champaran, at present- Village- Ramnagar, P.O. Rampur, Jangal, P.S.-
Haunmanganj, District- Kushinagar (U.P.)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Sharma Adv.
For the Opposite Party/s	:	Ms. Asha Devi APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel representing the petitioner, learned
counsel for the State and counsel for the informant are
appearing and making submissions from their residence. The
Court Master and Secretary are also part of this virtual court
proceedings from their homes, all with the aid of audio visual
technology.

Heard learned counsel for the petitioner, learned APP for
State as well as counsel for the opposite party no.2/informant.

Petitioner apprehends his arrest in connection with



Complaint Case no. C-608 of 2018 instituted for the offence under Section(s) 498A, 323 and 379 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the parties are in agreement that harmony has been restored. The petitioner has expressed an undertaking through his counsel in the instant proceedings that he is eager to take back the opposite party no.2 and his two daughters to live with him and to give due regard and respect to which the opposite party no.2 is entitled in matrimony. He states that he would take due care of opposite party no.2 and her daughters and maintain their dignity as is normally expected in the matrimonial home.

The counsel for the opposite party no.2 submits that the opposite party no.2 is also willing but, in view of the past conduct of the petitioner, there is some apprehension in her mind.

In such circumstances, the application is disposed of with direction to the petitioner to surrender before the Court below i.e. **S.D.J.M., Bagaha (West Champaran)** within a period of four (04) weeks from today, in connection with **Complaint case no. 608 of 2018, Tr. no. 3623 of 2019**, with an affidavit that he is ready to keep the wife and the two minor



daughters with full dignity and care and in that even the Court below will release the petitioner on provisional bail to its own satisfaction for a period of three months and will issue notice to the opposite party no.2, if she on her own volition does not appear with the petitioner, on the date of his surrender for availing provisional bail.

The court below will monitor the relationship between the parties by calling both of them every month in the court for a period of three months and thereafter will confirm the provisional bail of the petitioner.

It is made clear that if the wife /opposite party no.2 makes complaint about physical or mental torture committed by the petitioner during the period of monitoring it will be open to the Court below to pass appropriate order in accordance with law including cancellation of provisional bail.

The application is, accordingly disposed off.

(Madhuresh Prasad, J)

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