

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13885 of 2015

Arising Out of PS.Case No. -1119 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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Jairam Paswan S/O Rambali Paswan, R/O Pradeep Nagar, P.S.- Magadh
University, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Sumanti Devi D/O Rameshwar Paswan, R/o Pradip Nagar, P.S.-
Magadh Vishwavidyalaya, Bodh Gaya, District- Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. A.M.P. Mehta (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 24-08-2015

Heard learned counsels for the petitioner and
the State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under
Sections 498A, 494 of the Indian Penal Code and 3/4 of Dowry
Prohibition Act.

The accusation is of torture for non-fulfillment
of the dowry demand and performing second marriage.

The notices were issued to opposite party no.2-
complainant vide order dated 03.04.2015. The office note dated

12.08.2015 reflects that opposite party no. 2 refused to accept the service, hence, it was treated deemed valid service vide order dated 13.08.2015. None is appearing on behalf of opposite party no. 2.

It is submitted by learned counsel for the petitioner that the petitioner has not performed second marriage, though, the statement to that effect has not been made in the petition. The petitioner filed Matrimonial Suit No. 161 of 2012 for restitution of conjugal rites and petitioner is still ready to keep the complainant as wife with full dignity and honour. Statement to that effect has been made in paragraph no. 12 of the petition, which reads as follows:- **“That, in spite of all these things the petitioner is ready to keep his wife with full dignity and love.”**

Considering the above stand of the petitioner, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 1119 of 2012, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

The grant of bail will not preclude the complainant to resume conjugal life. If such application is filed by the complainant then the petitioner will be obliged to comply the undertaking give before this Court.



DKS/

(Dinesh Kumar Singh, J.)

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