

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22511 of 2015

Arising Out of PS.Case No. -1059 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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Dharmendra Dhoudhur S/o Ramayan Chaudhur R/o Village Bhundhari, P.S.
Ekma, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sadhna Devi W/o Dharmendra Chaudhur, D/o Sureshwar Prasad Singh
R/o Village Kopa, P.S. Kopa, District Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 22-09-2015

Notices were issued to opposite party no. 2-

complainant vide order dated 18.05.2015. The office note dated 18.09.2015 reflects that the ordinary process of notice was served on the counsel of opposite party no. 2-complainant appearing before the learned court below. However, service report of registered cover of notices has not been returned. In the circumstances, the notices are treated to be deemed valid service.

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

Section 498A of the Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant but the complainant herself deserted him and she is residing with one Ashok Sah. Statement to that effect has been made in paragraph 13 of the petition, which reads as follows:-

“That it is stated that as a matter of fact the complainant has left the matrimonial house on her own sweet will and has refused to reside with the petitioner and the real fact is that the complainant lives with one Ashok Sah, Son of Pardeshi Sah, Resident of village – Hariharpur, P.S. Ekma, District – Saran.” Initially Matrimonial Suit No. 173 of 2011 was filed but subsequently since the issue was reconciled then the matrimonial suit was dismissed for non-prosecution and thereafter the petitioner again filed Matrimonial Suit No. 277 of 2013 with a prayer for divorce.

Considering the aforesaid facts, 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, Saran at Chapra in connection with
Complaint Case No. 1059 of 2012, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J.)

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