

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38266 of 2015**

Arising Out of Complaint Case No. -1898 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE  
District- SAMASTIPUR

=====

Arun Rai; S/o Late Bajrangi Rai

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Bibha Devi, D/O Ram Chandra Rai

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal (App)

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

**ORAL ORDER**

2      19-08-2015      Heard learned counsels for the petitioner and the State.

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

The basic accusation is of torture for non-fulfillment of dowry demand after 15 years of marriage.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant. He further submits that at earlier point of time the petitioner has filed Matrimonial Case No. 245 of 2014 for

restitution of conjugal rights and he is still ready to keep the complainant as wife with full dignity and honour. A statement to that effect has been made in para 11 of the petition which reads as follows:-

*"11. That the petitioner is ready to keep the complainant with full regard and respect for that petitioner has filed a petition for restitution of conjugal life with complainant before the court of Principal Judge Samastipur vide Matrimonial Case No.245/15."*

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur in connection with Complaint Case No.1898 of 2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned court below in three eventualities (i) if the matrimonial

harmony is substantially restored (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant gets reluctant to reconcile the issue.

Ashwini/-

(Dinesh Kumar Singh, J)

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